

UNOFFICIAL VERSION

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THURSDAY, APRIL 26, 2012

SEVENTY-EIGHTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Pastor Tom Reed of Elizabeth Chapel United Methodist Church in Bluff City, a guest of Mr. Speaker Ramsey.

PLEDGE OF ALLEGIANCE

Senator Norris led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 2574, 3459, 3835, 3836, 3837, 3839, 3877 and 3882** be passed on first consideration, which motion prevailed.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 2574 -- Controlled Substances -- As introduced, permits the Commissioner of Health or certain licensing boards to suspend on an emergency basis the license of a practitioner who is under state or federal indictment involving the sale or dispensing of controlled substances. Amends TCA Title 63.

House Bill No. 3459 -- Business Organizations -- As introduced, revises the "Tennessee Business Corporation Act". Amends TCA Title 48.

House Bill No. 3835 -- Appropriations -- As introduced, makes appropriations for fiscal years beginning July 1, 2011, and July 1, 2012.

House Bill No. 3836 -- Bond Issues -- As introduced, authorizes the state to issue and sell its bonds and bond anticipation notes in amounts not to exceed \$381,900,000. An act to authorize the State of Tennessee, acting by resolution of its funding board, to issue and sell its bonds and bond anticipation notes in amounts not to exceed three hundred eighty-one million nine hundred thousand dollars (\$381,900,000) for the purpose of providing funds to the Department of Finance and Administration and the Department of Transportation; to provide for acquisition of equipment and sites, and erection, construction and equipment of sites and buildings, expressly including the acquisition of existing structures for expansion, improvements, betterments, and extraordinary repairs to existing structures, for construction of highways, and repair, replacement or rehabilitation of bridges, and for grants to any county, metropolitan government, incorporated town, city, special district of the state, or any governmental agency or instrumentality of any of them; to provide funds for the state office buildings and support facilities revolving fund; and to provide funds for the acquisition and implementation of an interoperable communication system upgrade, and to provide for the expenditure of said funds; to issue its debt in excess of the previously stated amount to fund discount and costs of issuance; and to provide for the expenditure of said funds. This act makes appropriations for an indefinite period of time for the purpose of allocating the proceeds of the bonds and notes authorized by this act.

House Bill No. 3837 -- Budget Procedures -- As introduced, authorizes the index of appropriations from state tax revenues for the 2011-2012 fiscal year to exceed the index of estimated growth in the state's economy by \$250,000,000 or 2.01 percent.

House Bill No. 3839 -- Public Funds and Financing -- As introduced, specifies that provision whereby a supplement must be provided by the state each year to counties for the improvement of juvenile court services is contingent upon funding; removes Taft Youth Center in provision regarding appointment of dentist to provide service at certain institutions. Amends TCA Title 4; Title 5; Title 6; Title 8; Title 9; Title 10; Title 11; Title 12; Title 13; Title 16; Title 17; Title 18; Title 29; Title 33; Title 37; Title 38; Title 39; Title 40; Title 41; Title 43; Title 45; Title 47; Title 48; Title 49; Title 50; Title 53; Title 54; Title 55; Title 56; Title 57; Title 58; Title 59; Title 60; Title 62; Title 63; Title 64; Title 65; Title 66; Title 67; Title 68; Title 69; Title 70 and Title 71.

House Bill No. 3877 -- Spencer -- As introduced, subject to local approval, moves the city election to coincide with the November general election beginning in 2014; extends the four-year terms of office of officials elected in the May, 2009 election to the first Tuesday in November, 2014, and the terms of officials elected in the May, 2011 election to the first Tuesday in November, 2016. Amends Chapter 179 of the Private Acts of 1923; as amended.

House Bill No. 3882 -- Bluff City -- As introduced, subject to local approval, revises method for filling vacancies on board of mayor and aldermen; allows for recall elections of mayor and aldermen. Amends Chapter 24 of the Private Acts of 1997; as amended.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 910, 912, 913 and 915 through 918**; and **Senate Resolutions Nos. 134 and 135** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

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Senate Joint Resolution No. 910 by Senator Herron.

Memorials, Sports -- Henry County High School, 2011 TSSAA Class 5A BlueCross Bowl Football State Champion.

Senate Joint Resolution No. 912 by Mr. Speaker Ramsey.

Memorials, Interns -- Chelsea Rose.

Senate Joint Resolution No. 913 by Mr. Speaker Ramsey.

Memorials, Interns -- Tiffany N. Kaschel.

Senate Joint Resolution No. 915 by Senator Roberts.

Memorials, Recognition -- Springfield Middle School, 2011 National Blue Ribbon School.

Senate Joint Resolution No. 916 by Senator Roberts.

Memorials, Academic Achievement -- Ethan Bryant Fields, Salutatorian, Hendersonville Christian Academy.

Senate Joint Resolution No. 917 by Senator Roberts.

Memorials, Academic Achievement -- Polly Jean Suzanne Gregory, Valedictorian, Hendersonville Christian Academy.

Senate Joint Resolution No. 918 by Senator Berke.

Memorials, Interns -- Nicollette N. Davis.

Senate Resolution No. 134 by Senator McNally.

Memorials, Interns -- Julianna Marie Deyo.

Senate Resolution No. 135 by Senator Crowe.

Memorials, Recognition -- International Storytelling Center.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 791, 844, 863, 872, 933, 1056 through 1060 and 1062 through 1066; Senate Joint Resolutions Nos. 899 through 906, 908 and 909; and Senate Resolutions Nos. 127 through 133** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 791 -- Highway Signs -- Cannon County Veterans Memorial Bridge, State Route 1 in Cannon County.

The Speaker announced that he had referred House Joint Resolution No. 791 to the Committee on Transportation and Safety.

House Joint Resolution No. 844 -- Memorials, Public Service -- Representative Michael McDonald.

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The Speaker announced that he had referred House Joint Resolution No. 844 to the Committee on Calendar.

House Joint Resolution No. 863 -- Highway Signs -- "Sheriff Dorris Weakley Memorial Bridge", State Route 12 in Cheatham County.

The Speaker announced that he had referred House Joint Resolution No. 863 to the Committee on Transportation and Safety.

House Joint Resolution No. 872 -- Highway Signs -- "Razor John "Doc" Campbell Memorial Bridge", State Route 91 in Carter County.

The Speaker announced that he had referred House Joint Resolution No. 872 to the Committee on Transportation and Safety.

House Joint Resolution No. 933 -- Memorials, Public Service -- Representative Joey Hensley.

The Speaker announced that he had referred House Joint Resolution No. 933 to the Committee on Calendar.

House Joint Resolution No. 1056 -- Memorials, Death -- Sheril Elliott.

The Speaker announced that he had referred House Joint Resolution No. 1056 to the Committee on Calendar.

House Joint Resolution No. 1057 -- Memorials, Academic Achievement -- Julian Chambers, Valedictorian, Frayser High School.

The Speaker announced that he had referred House Joint Resolution No. 1057 to the Committee on Calendar.

House Joint Resolution No. 1058 -- Memorials, Recognition -- AKA Day on the Hill 2012.

The Speaker announced that he had referred House Joint Resolution No. 1058 to the Committee on Calendar.

House Joint Resolution No. 1059 -- Memorials, Recognition -- James Cole Overholt.

The Speaker announced that he had referred House Joint Resolution No. 1059 to the Committee on Calendar.

House Joint Resolution No. 1060 -- Memorials, Recognition -- Pat Summitt.

The Speaker announced that he had referred House Joint Resolution No. 1060 to the Committee on Calendar.

House Joint Resolution No. 1062 -- Memorials, Academic Achievement -- Nathaniel Armstrong, Salutatorian, Hickman County High School.

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The Speaker announced that he had referred House Joint Resolution No. 1062 to the Committee on Calendar.

House Joint Resolution No. 1063 -- Memorials, Academic Achievement -- Clea Harrelson, Valedictorian, Hickman County High School.

The Speaker announced that he had referred House Joint Resolution No. 1063 to the Committee on Calendar.

House Joint Resolution No. 1064 -- Memorials, Death -- Dr. Jaime Virata Mangubat.

The Speaker announced that he had referred House Joint Resolution No. 1064 to the Committee on Calendar.

House Joint Resolution No. 1065 -- Memorials, Recognition -- John J. Spittler, Four Chaplains Legion of Honor Award.

The Speaker announced that he had referred House Joint Resolution No. 1065 to the Committee on Calendar.

House Joint Resolution No. 1066 -- Memorials, Personal Occasion -- Mae Yarbrough Henning, 100th birthday.

The Speaker announced that he had referred House Joint Resolution No. 1066 to the Committee on Calendar.

Senate Joint Resolution No. 899 -- Memorials, Interns -- Garrett Louis Montague.

The Speaker announced that he had referred Senate Joint Resolution No. 899 to the Committee on Calendar.

Senate Joint Resolution No. 900 -- Memorials, Retirement -- Jeff Jordan.

The Speaker announced that he had referred Senate Joint Resolution No. 900 to the Committee on Calendar.

Senate Joint Resolution No. 901 -- Memorials, Interns -- James Austin Palasek North.

The Speaker announced that he had referred Senate Joint Resolution No. 901 to the Committee on Calendar.

Senate Joint Resolution No. 902 -- Memorials, Recognition -- Lynn Gibson, Tennessee Governor of Pilot International.

The Speaker announced that he had referred Senate Joint Resolution No. 902 to the Committee on Calendar.

Senate Joint Resolution No. 903 -- Memorials, Interns -- Nicollette N. Davis.

The Speaker announced that he had referred Senate Joint Resolution No. 903 to the Committee on Calendar.

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Senate Joint Resolution No. 904 -- General Assembly, Statement of Intent or Position -- Urges any state fair to be held where the seat of government is located.

The Speaker announced that he had referred Senate Joint Resolution No. 904 to the Committee on State and Local Government.

Senate Joint Resolution No. 905 -- Memorials, Interns -- Rodriquez Wright II.

The Speaker announced that he had referred Senate Joint Resolution No. 905 to the Committee on Calendar.

Senate Joint Resolution No. 906 -- Memorials, Interns -- Benjamin Hadden.

The Speaker announced that he had referred Senate Joint Resolution No. 906 to the Committee on Calendar.

Senate Joint Resolution No. 908 -- Memorials, Death -- Hunter Lane, Jr.

The Speaker announced that he had referred Senate Joint Resolution No. 908 to the Committee on Calendar.

Senate Joint Resolution No. 909 -- Memorials, Retirement -- Theda Bramlett.

The Speaker announced that he had referred Senate Joint Resolution No. 909 to the Committee on Calendar.

Senate Resolution No. 127 -- Memorials, Academic Achievement -- Jessica L. Keane, Valedictorian, Signal Mountain High School.

The Speaker announced that he had referred Senate Resolution No. 127 to the Committee on Calendar.

Senate Resolution No. 128 -- Memorials, Interns -- Jessica Eloise Terry.

The Speaker announced that he had referred Senate Resolution No. 128 to the Committee on Calendar.

Senate Resolution No. 129 -- Memorials, Interns -- Kyle Luebke.

The Speaker announced that he had referred Senate Resolution No. 129 to the Committee on Calendar.

Senate Resolution No. 130 -- Memorials, Academic Achievement -- Catherine Morgan Davis, Salutatorian, Ooltewah High School.

The Speaker announced that he had referred Senate Resolution No. 130 to the Committee on Calendar.

Senate Resolution No. 131 -- Memorials, Academic Achievement -- Ajay Dharmen Makwana, Valedictorian, Ooltewah High School.

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The Speaker announced that he had referred Senate Resolution No. 131 to the Committee on Calendar.

Senate Resolution No. 132 -- Memorials, Interns -- Blake Eakes.

The Speaker announced that he had referred Senate Resolution No. 132 to the Committee on Calendar.

Senate Resolution No. 133 -- General Assembly, Statement of Intent or Position -- Urges any state fair to be held where the seat of government is located.

The Speaker announced that he had referred Senate Resolution No. 133 to the Committee on State and Local Government.

MOTION

Senator Herron moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 919**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 919 by Senator Herron.
Memorials, Retirement -- Josephine Binkley.

On motion of Senator Herron, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 919** was adopted.

A motion to reconsider was tabled.

PRESENTATION

Senator Herron presented **Senate Joint Resolution No. 919** to Ms. Josephine Binkley.

PRESENTATION

Senators Finney and Kyle presented **Senate Joint Resolution No. 721** to Senator Herron.

NOTICES

MESSAGE FROM THE HOUSE

April 25, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2617, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 25, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2407, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

MOTION

Senator Overbey moved that Rule 37 be suspended for the immediate consideration of **Senate Joint Resolution No. 892**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 892 -- Memorials, Interns -- Morgan Kinney.

On motion of Senator Overbey, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 892** was adopted.

A motion to reconsider was tabled.

MOTION

Senator Marrero moved that Rule 37 be suspended for the immediate consideration of **Senate Resolution No. 129**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Resolution No. 129 -- Memorials, Interns -- Kyle Luebke.

On motion of Senator Marrero, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 129** was adopted.

A motion to reconsider was tabled.

MOTION

Senator Faulk moved that Rule 37 be suspended for the immediate consideration of **Senate Resolution No. 132**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Resolution No. 132 -- Memorials, Interns -- Blake Eakes.

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On motion of Senator Faulk, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 132** was adopted.

A motion to reconsider was tabled.

MOTION

Senator Harper moved that Rule 37 be suspended for the immediate consideration of **Senate Resolution No. 125**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Resolution No. 125 -- Memorials, Interns -- Daniel Tillman.

On motion of Senator Harper, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 125** was adopted.

A motion to reconsider was tabled.

MOTION

Senator Ford moved that Rule 37 be suspended for the immediate consideration of **Senate Joint Resolution No. 905**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 905 -- Memorials, Interns -- Rodriquez Wright II.

On motion of Senator Ford, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 905** was adopted.

A motion to reconsider was tabled.

CALENDAR NO. 1

Senator McNally moved that **Senate Bill No. 1935**, as amended, be moved five places down on Calendar No. 1 for today, which motion prevailed.

Senate Bill No. 3022 -- Education, Higher -- As introduced, eliminates certain reporting duties of higher education institutions and governing boards; eliminates requirement that applicants for certain positions in residence halls pay for background checks; requires board of regents employees to receive longevity payments with their regular paychecks. Amends TCA Section 4-22-103; Section 8-23-206; Section 8-44-108(b)(3) and Section 49-7-149.

On motion, Senate Bill No. 3022 was made to conform with **House Bill No. 3665**.

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On motion, House Bill No. 3665, on same subject, was substituted for Senate Bill No. 3022.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall be implemented within the existing resources of the higher education systems.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 3665**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 3027 -- Agriculture -- As introduced, revises various provisions of the "Agriculture Commodities Promotion Act", including provisions requiring certain reports by purchasers and provisions governing the membership of the beef promotion board. Amends TCA Title 43, Chapter 29, Part 1.

On motion, Senate Bill No. 3027 was made to conform with **House Bill No. 3263**.

On motion, House Bill No. 3263, on same subject, was substituted for Senate Bill No. 3027.

Senator Johnson moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting Section 3 and by substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 43-29-118, is amended by deleting the section in its entirety and by substituting instead the following:

43-29-118.

(a) The Tennessee beef promotion board shall be composed of twelve (12) members, to be appointed by the commissioner as provided in this section.

(b) All twelve (12) members of the board shall be producers of beef animals or representatives of the beef industry in the state. The members of the Tennessee beef promotion board shall be the members of the board of directors of the Tennessee beef industry council, certified under 7 CFR 1260.315. Vacancies that occur shall be filled by the commissioner from individuals nominated by the organizations that are represented on the board of directors of the Tennessee beef council and in the same representation ratios.

(c) The commissioner or the commissioner's designee shall be an ex officio nonvoting member of the board.

On motion, Amendment No. 2 was adopted.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3263**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 3065 -- Naming and Designating -- As introduced, names field house at York Institute in honor of Charles Joseph Vaughn.

On motion, Senate Bill No. 3065 was made to conform with **House Bill No. 3093**.

On motion, House Bill No. 3093, on same subject, was substituted for Senate Bill No. 3065.

On motion of Senator McNally, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3093** passed its third and final consideration by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senator Johnson moved that **Senate Bill No. 3070** be moved ten places down on Calendar No. 1 for today, which motion prevailed.

Senate Bill No. 3092 -- Criminal Offenses -- As introduced, prohibits business owners from knowingly permitting minors to engage in sexual activity on the premises of the business. Amends TCA Title 39; Title 40; Title 67; Title 68 and Title 71.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 9, is amended by adding the following as a new section:

39-17-9__.

(a) It is an offense for a person eighteen (18) years of age or older who owns, manages or otherwise operates a business or retail establishment to knowingly:

(1) Allow a person who is seventeen (17) years of age or younger to engage in sexual activity, or to engage in patently offensive simulated sexual activity, as such terms are defined in § 39-17-1002, on the property of that business or retail establishment; or

(2) Engage in the promotion or performance of sexual conduct, including, but not limited to, actual or simulated sexual intercourse, sodomy, masturbation, sadomasochistic abuse, excretion, or the exhibition of the male or female genitals; of a person who is seventeen (17) years of age or younger, on the property of that business or retail establishment.

(b) A violation of subsection (a) is a Class A misdemeanor.

(c) Any personal property used in the commission of a violation of this section, committed on or after July 1, 2012, by a person eighteen (18) years of age or older who owns, manages or otherwise operates a business or retail establishment, whose victim was a minor, is, upon conviction, subject to judicial forfeiture, by a court of any authority, as provided in Title 39, Chapter 11, Part 7.

(d) Nothing in this section shall deprive a court of any authority to suspend or cancel a license, declare the establishment a nuisance or impose costs and other monetary obligations if specifically authorized by law.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3092**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Mr. Speaker Ramsey moved that **Senate Bill No. 1935**, as amended, be moved three places down on Calendar No. 1 for today, which motion prevailed.

Senate Bill No. 3094 -- Highway Signs -- As introduced, designates segment of State Route 385 in Shelby and Fayette counties as "Governor Winfield Dunn Parkway".

On motion, Senate Bill No. 3094 was made to conform with **House Bill No. 3373**.

On motion, House Bill No. 3373, on same subject, was substituted for Senate Bill No. 3094.

House Bill No. 3373 passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senate Bill No. 3106 -- Taxes -- As introduced, requires that a seller and certified service provider engage in at least two sales transactions, instead of one, in order to constitute a recurring business relationship for purposes of exempting them from renewing blanket sales and use tax exemption certificates. Amends TCA Title 7 and Title 67.

Senator Norris moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 7-40-103(5), is amended by deleting the following language:

"Cost" means all cost of an economic development project in a district incurred by the municipality or industrial development corporation including

and by substituting instead the following language:

"Cost" means all cost of an economic development project in a district incurred by the municipality or industrial development corporation during the investment period, including

SECTION 2. Tennessee Code Annotated, Section 7-40-103, is amended by adding the following as a new, appropriately designated subdivision:

() "Investment period" means a period beginning two (2) years prior to the municipality's designation of the proposed border region retail tourism development district for the project and ending ten (10) years after certification of the district pursuant to § 7-40-104(a)(4);

SECTION 3. Tennessee Code Annotated, Section 7-40-104, is amended by deleting from subsection (c) the language:

, which shall include the cost of any new phases or additional development of the project to be completed within the thirty-year time limitation established in subsection (d)

and is further amended by deleting the first sentence of subsection (d) in its entirety.

SECTION 4. Tennessee Code Annotated, Title 7, Chapter 40, is amended by adding the following as a new, appropriately designated section:

7-40-____.

This chapter shall only apply to border region retail tourism development districts for which a certified copy of the ordinance required by § 7-40-104(a)(1), along with the request for certification required by § 7-40-104(a)(2), has been filed with the commissioner before January 1, 2012.

SECTION 5. Sections 1 through 3 of this act shall take effect upon becoming a law and shall apply to every border region retail tourism development district, whether certified by the Commissioner of Revenue before or after such date, the public welfare requiring it. Section 4 of this act shall take effect upon becoming a law, the public welfare requiring it.

Senator Barnes moved to amend as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

AMEND by deleting from Section 4 of the amendment the language "January 1, 2012." and by substituting instead the following:

January 1, 2013.

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Senator Norris moved that Amendment No. 1 to Amendment No. 1 go to the table, which motion prevailed by the following vote:

Ayes 19
Noes 14

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--19.

Senators voting no were: Barnes, Berke, Burks, Faulk, Finney, Ford, Harper, Haynes, Henry, Herron, Kyle, Marrero, Stewart and Tate--14.

Senator Barnes moved to amend as follows:

AMENDMENT NO. 2 TO AMENDMENT NO. 1

AMEND by inserting the following sections immediately preceding the final section and by renumbering the final section accordingly:

SECTION __. Tennessee Code Annotated, Section 7-40-103(3), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(3) "Border region retail tourism development district" or "district" means one (1) or more parcels of real property:

(A) Located within a municipality, some part of whose corporate limits borders a neighboring state;

(B) Which some boundary of a district is:

(i) No more than twelve (12) miles from a state border as measured by straight line; and

(ii) No more than one-half (1/2) mile from an existing federally designated interstate exit; or

(iii) No more than twelve (12) miles from an United States Army installation that has a total area of at least one hundred thousand (100,000) acres;

(C) No larger than a total area of nine hundred fifty (950) acres; and

(D) Designated as a border region retail tourism development district by a municipal ordinance and certified by the commissioner;

SECTION __. Tennessee Code Annotated, Section 7-40-104, is amended by adding the following language as a new subsection:

(__) A municipality may include as part of a project within a certified district any property adjoining its existing corporate limits, and shall receive the apportionment of state sales and use taxes generated within the adjoining property as provided in this chapter, if the following requirements are met:

(1) The municipal legislative body shall adopt an annexation ordinance to extend its corporate limits to include the adjoining property; provided, that prior to proposing the annexation ordinance, the municipality shall provide advance written notification to the commissioner of its plan to include the adjoining property; and provided further, the municipal legislative body shall propose the annexation ordinance within two (2) years following the notification;

(2) The municipality shall file with the commissioner a certified copy of the annexation ordinance after it is duly adopted along with a request to adjust the boundaries of the certified district to include the annexed property in consultation with the municipality. The request shall include a development plan for the annexed property. In reviewing the request, the commissioner shall inform the commissioners of economic and community development and tourist development of the pending request;

(3) The commissioner shall promptly approve the request to adjust the district boundaries if:

(A) The adjustment does not result in the district exceeding the area allowed by this chapter; and

(B) The commissioner, with approval by the Commissioner of Economic and Community Development, determines that the special allocation of state sales tax revenue from the district, as authorized by § 7-40-106, continues to be in the best interests of the state upon including the annexed property within the district;

(4) Upon adjustment of the boundaries, the commissioner shall provide prompt notice of the adjustment to the Commissioner of Economic and Community Development, the Commissioner of Tourist Development, and the requesting municipal governing body of the revenues received from the certified district, including revenues from the annexed property;

(5)(A) State sales and use taxes from the annexed property shall be apportioned and distributed to the municipality as provided in this chapter beginning on the effective date of the annexation;

(B) For purposes of this subsection (e), "effective date of the annexation" means the date a court order is entered finally upholding the annexation ordinance's validity in the event such annexation ordinance is challenged in a quo warranto proceeding; except, that if the validity of the ordinance is not challenged, then the apportionment and distribution of tax revenue from the annexed property to the municipality as provided in this chapter shall begin thirty (30) days after the date the municipality adopts the annexation ordinance on final reading;

(6) No portion of the state sales tax revenue from the annexed property distributed to the county in which the municipality is located pursuant to § 6-51-115(a) shall be distributed to the municipality, unless the effective date of the annexation is on July 1; and

(7) The development of annexed property included within a certified district pursuant to this subsection (e) shall not be initiated after the expiration of five (5) years following certification of the district.

AND FURTHER AMEND by adding the following sentence to the effective date section:

The remaining sections of this act shall take effect on July 1, 2012, the public welfare requiring it.

Senator Norris moved that Amendment No. 2 to Amendment No. 1 go to the table, which motion prevailed by the following vote:

Ayes 18
Noes 15

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Tracy, Watson, Yager and Mr. Speaker Ramsey--18.

Senators voting no were: Barnes, Berke, Burks, Faulk, Finney, Ford, Harper, Haynes, Henry, Herron, Kyle, Marrero, Stewart, Summerville and Tate--15.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3106**, as amended, passed its third and final consideration by the following vote:

Ayes 20
Noes 13

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Henry, Herron, Kyle, Marrero, Stewart and Tate--13.

A motion to reconsider was tabled.

Senate Bill No. 3207 -- Fees -- As introduced, creates the local correctional officer training fund through the collection of a 10-cent fee for each completed telephone call or other electronic communication made by inmates housed in local jails or workhouses. Amends TCA Section 41-7-104.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the language "but shall, together with all interest accruing on investments and deposits of the unexpended funds, be returned to and made a part of the account" in the last sentence of the amendatory language of Section 1.

On motion, Amendment No. 1 was adopted.

Senator McNally moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting from the amendatory language of Section 1(c) of the printed bill the words "or other means of electronic communication".

On motion, Amendment No. 2 was adopted.

Senator McNally moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting the effective date section in its entirety and by substituting instead the following:

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

AND FURTHER AMEND by adding the following language at the end of the amendatory language in subsection (c) of Section 1:

On or before February 1, 2013, and by February 1 of each subsequent year, the institute shall report to the chairs of the State and Local Government Committees and Finance, Ways and Means Committees of the Senate and the House of Representatives on the fund's reserves and expenditures, which report shall include at least the following information for the prior calendar year: the amount of available reserves, the amount of expenditures made from the fund, and the manner of making such expenditures.

On motion, Amendment No. 3 was adopted.

Thereupon, **Senate Bill No. 3207**, as amended, passed its third and final consideration by the following vote:

Ayes	25
Noes	1
Present, not voting . . .	1

Senators voting aye were: Beavers, Bell, Burks, Crowe, Faulk, Finney, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--25.

Senator voting no was: Kyle--1.

Senator present and not voting was: Ford--1.

A motion to reconsider was tabled.

Senate Bill No. 1935 -- Physicians and Surgeons -- As introduced, establishes requirements for the supervision of nurses and physician assistants by certain physicians when engaged in interventional pain management. Amends TCA Title 63, as amended.

Senator Norris declared Rule 13 on **Senate Bill No. 1935**, as amended.

Senator Campfield moved that Amendment No. 2 be placed at the heel of the Amendments, which motion prevailed.

Senator Bell moved to amend as follows:

AMENDMENT NO. 4

AMEND by deleting subsections (a) and (b) in Section 63-6-241 of the amendatory language of Section 4 in their entirety and by substituting instead the following new language:

(a) A physician licensed pursuant to this chapter may only practice interventional pain management if the licensee is either:

(1) Board certified through the American Board of Medical Specialties (ABMS) or the American Board of Physician Specialties (ABPS)/American Association of Physician Specialists (AAPS) in one of the following medical specialties:

(A) Anesthesiology;

(B) Neurological surgery;

(C) Orthopedic surgery;

(D) Physical medicine and rehabilitation;

(E) Radiology; or

(F) Any other board certified physician who has completed an ABMS subspecialty board in pain medicine or completed an ACGME-accredited pain fellowship;

(2) A recent graduate in a medical specialty listed in (a)(1) not yet eligible to apply for ABMS or ABPS/AAPS board certification; provided, there is a practice relationship with a physician who meets the requirements of subdivision (a)(1) or an osteopathic physician who meets the requirements of § 63-9-119(a)(1);

(3) A licensee who is not board certified in one of the specialties listed in subdivision (a)(1) but is board certified in a different ABMS or ABPS/AAPS specialty and has completed a post-graduate training program in interventional pain management approved by the board;

(4) A licensee who serves as a clinical instructor in pain medicine at an accredited Tennessee medical training program; or

(5) A licensee who has an active pain management practice in a clinic accredited in outpatient interdisciplinary pain rehabilitation by the Commission on Accreditation of Rehabilitation Facilities or any successor organization.

(b) For purposes of this section, interventional pain management is the practice of performing invasive procedures involving any portion of the spine, spinal cord, sympathetic nerves of the spine or block of major peripheral nerves of the spine in any setting not licensed under Title 68, Chapter 11.

AND FURTHER AMEND by deleting Section 63-9-119 of the amendatory language of Section 5 in its entirety and by substituting instead the following new language:

63-9-119.

(a) A physician licensed in this chapter may only practice interventional pain management if the licensee is either:

(1) Board certified through the American Osteopathic Association (AOA) or the American Board of Physician Specialties (ABPS)/American Association of Physician Specialists (AAPS) in one of the following medical specialties:

(A) Anesthesiology;

(B) Neuromusculoskeletal medicine;

(C) Orthopedic surgery;

(D) Physical medicine and rehabilitation;

(E) Radiology; or

(F) Any other board certified physician who has completed an ABMS subspecialty board in pain medicine or completed an ACGME-accredited pain fellowship;

(2) A recent graduate of a medical specialty listed in subdivision (a)(1) not yet eligible to apply for AOA or ABPS/AAPS specialty certification; provided, there is a practice relationship with an osteopathic physician who meets the requirements of subdivision (a)(1) or a physician who meets the requirements of § 63-6-241(a)(1);

(3) A licensee who is not board certified in one of the specialties listed in subdivision (a)(1) but is board certified in a different AOA or ABPS/AAPS specialty and has completed a post-graduate training program in interventional pain management approved by the board;

(4) A licensee who serves as a clinical instructor in pain medicine at an accredited Tennessee medical training program; or

(5) A licensee who has an active pain management practice in a clinic accredited in outpatient interdisciplinary pain rehabilitation by the Commission on Accreditation of Rehabilitation Facilities or any successor organization.

(b) For purposes of this section, interventional pain management is the practice of performing invasive procedures involving any portion of the spine, spinal cord, sympathetic nerves of the spine or block of major peripheral nerves of the spine in any setting not licensed under Title 68, Chapter 11.

(c) The board is authorized to define through rulemaking the scope and length of the practice relationship established in subdivision (a)(2).

(d) An osteopathic physician who provides direct supervision of an advanced practice nurse or a physician's assistant pursuant to § 63-7-126 or § 63-19-107 must meet the requirements set forth in subdivision (a)(1) or (a)(3).

(e) An osteopathic physician who violates this section is subject to disciplinary action by the board pursuant to § 63-9-111, including, but not limited to, civil penalties of up to one thousand dollars (\$1,000) for every day this section is violated.

Pursuant to Rule 39(3), Amendment No. 4 was adopted by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

Senator Campfield moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Nothing in this act shall apply to the practice of a certified registered nurse anesthetist (CRNA).

On motion, Amendment No. 2 failed by the following vote:

Ayes	11
Noes	20
Present, not voting . . .	1

Senators voting aye were: Campfield, Faulk, Finney, Haynes, Herron, Kelsey, Marrero, Roberts, Southerland, Stewart and Summerville--11.

Senators voting no were: Beavers, Bell, Berke, Burks, Crowe, Ford, Gresham, Henry, Johnson, Ketron, Kyle, Massey, McNally, Norris, Overbey, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--20.

Senator present and not voting was: Harper--1.

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Thereupon, **Senate Bill No. 1935**, as amended, passed its third and final consideration by the following vote:

Ayes	20
Noes	10
Present, not voting . . .	2

Senators voting aye were: Beavers, Bell, Berke, Burks, Crowe, Ford, Gresham, Haynes, Henry, Johnson, Ketron, Kyle, Massey, McNally, Norris, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Barnes, Campfield, Faulk, Finney, Harper, Herron, Kelsey, Marrero, Overbey and Stewart--10.

Senators present and not voting were: Roberts and Southerland--2.

A motion to reconsider was tabled.

Senate Bill No. 3248 -- Alcoholic Beverages -- As introduced, authorizes the Inn at Long Branch on Dale Hollow Lake in Clay County to obtain a license as a premier type tourist resort. Amends TCA Section 57-4-102.

On motion, Senate Bill No. 3248 was made to conform with **House Bill No. 3381**.

On motion, House Bill No. 3381, on same subject, was substituted for Senate Bill No. 3248.

House Bill No. 3381 passed its third and final consideration by the following vote:

Ayes	21
Noes	7
Present, not voting . . .	1

Senators voting aye were: Barnes, Berke, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Tate, Yager and Mr. Speaker Ramsey--21.

Senators voting no were: Beavers, Bell, Burks, Campfield, Herron, Southerland and Summerville--7.

Senator present and not voting was: Tracy--1.

A motion to reconsider was tabled.

Senate Bill No. 3264 -- Sports -- As introduced, revises the "Tennessee Athletic Commission Act of 2008". Amends TCA Title 68, Chapter 115.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-115-102, is amended by adding the following language as a new, appropriately designated subdivision:

() "Pro-am competition" means a competition that features a combination of professional contests and amateur events;

SECTION 2. Tennessee Code Annotated, Section 68-115-103(b), is amended by inserting the language "Prior to August 1, 2012," at the beginning of the subsection and is further amended by designating the current language as subdivision (b)(1) and by adding the following language as (b)(2):

(2) On and after August 1, 2012, the commission shall consist of five (5) members. Except as provided in subdivision (b)(2)(B), a member's term of office shall be four (4) years.

(A) One (1) member shall be a public member, to be appointed by the governor;

(B) Two (2) of the members shall have knowledge of and experience in boxing, with one (1) of the members to be appointed by the Speaker of the House of Representatives and one (1) of the members to be appointed by the governor. The member first appointed to fill a vacancy arising from the expiration of a member's term after August 1, 2012, shall be appointed to a term of three (3) years; and

(C) Two (2) of the members shall have knowledge of and experience in mixed martial arts, with one (1) of the members to be appointed by the Speaker of the Senate and one (1) of the members to be appointed by the governor.

SECTION 3. Tennessee Code Annotated, Section 68-115-103, is amended by adding the following language as a new subsection (k):

(k) Vacancies arising from the expiration of members' terms on July 31, 2012, shall not be filled. Notwithstanding subsection (b), the commissioners serving unexpired terms on August 1, 2012, may remain as members of the commission until the expiration of their terms. Any vacancy arising from the expiration of a member's term shall be filled so that the composition of the commission meets the requirements of subsection (b).

SECTION 4. Tennessee Code Annotated, Section 68-115-103(f), is amended by deleting the language "shall not be reappointed for four (4) years from the date the member's term expires" and by substituting instead the language "shall not be reappointed for one (1) year from the date the member's term expires".

SECTION 5. Tennessee Code Annotated, Section 68-115-103(g), is amended by inserting the language "Prior to August 1, 2012," at the beginning of the subsection and is further amended by designating the current language as subdivision (g)(1) and by adding the following language as a new (g)(2):

(2) On and after August 1, 2012, three (3) members of the commission shall constitute a quorum for the exercise of the authority conferred upon the commission.

SECTION 6. Tennessee Code Annotated, Section 68-115-103, is amended by adding the following language as a new subsection (l):

(l) Each commissioner shall attend at least three (3) events, competitions, or contests annually.

SECTION 7. Tennessee Code Annotated, Section 68-115-104(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

68-115-104.

(a)(1) Prior to August 1, 2012, a vacancy through expiration of the term of the public member and the members who are licensed physicians shall be filled by appointment by the governor for a term of four (4) years. In the event a vacancy should occur other than by expiration of the term of a public member, the governor shall fill the vacancy for the unexpired portion of the original term.

(2) On and after August 1, 2012, except as provided in § 68-115-103(b)(2)(B), vacancies through expiration of the terms of the members of the commission appointed by the governor shall be filled by appointment by the governor for a term of four (4) years. If a vacancy occurs other than by expiration of the term, then the governor shall fill the vacancy for the unexpired portion of the original term.

SECTION 8. Tennessee Code Annotated, Section 68-115-108(a), is amended by designating the existing language as subdivision (1) and by adding the following language to be designated as subdivision (2):

(2) If a commissioner is permitted to attend a meeting from a remote location by telephone, television, teleconferencing or other electronic means pursuant to the rules of the commission and Title 8, Chapter 44, a commissioner shall utilize such method no more than twice annually unless an emergency situation arises.

SECTION 9. Tennessee Code Annotated, Section 68-115-108(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) The commission members shall receive reimbursement for expenses incurred in attending meetings of the commission and for travel incident to attending meetings of the commission, in accordance with the comprehensive travel regulations promulgated by the Department of Finance and Administration and approved by the attorney general and reporter.

SECTION 10. Tennessee Code Annotated, Section 68-115-201(a), is amended by deleting the language "combatants in professional contests or events of unarmed combat" and by substituting instead the language "combatants in professional contests, amateurs in events, and combatants and amateurs in pro-am competitions".

SECTION 11. Tennessee Code Annotated, Section 68-115-203(a), is amended by deleting the language "professional contests of unarmed combat held" and by substituting instead the language "professional contests and pro-am competitions held" and is further amended by adding the following language at the end of the subsection:

Any provision of this chapter or rule of the commission applicable to professional contests and to combatants, promoters, managers, matchmakers, seconds, ringside physicians and any other ring official participating in professional contests shall apply to professional contests conducted as part of a pro-am competition and participants in such contests.

SECTION 12. Tennessee Code Annotated, Section 68-115-208(a), is amended by designating the existing language as subdivision (a)(1), adding the following as subdivision (a)(2) and redesignating accordingly:

(2) In addition, if a pro-am competition or an amateur event is broadcasted or televised, such event shall be subject to, and the promoter shall pay, the same percentage of gross receipts as are required pursuant to subdivision (a)(1)(A) for professional contests and the percentage of total gross receipts required pursuant to subdivision (a)(1)(B) for professional contests related to broadcasting, television and motion picture rights.

SECTION 13. Tennessee Code Annotated, Section 68-115-213, is amended by adding the following language as a new subsection (d):

(d) Notwithstanding subsections (a)-(c), the commission shall be the sole regulatory authority for pro-am competitions. Any amateur who participates in an event that is conducted as part of a pro-am competition shall be subject to the jurisdiction of the commission and is required to obtain an amateur license issued by the commission. In accordance with § 68-115-201(a), the commission shall promulgate rules relative to amateur events conducted as part of a pro-am competition and amateur participants in such events, including, but not limited to, physical examinations.

SECTION 14. Tennessee Code Annotated, Section 68-115-216(a), is amended by inserting the language "or pro-am competition" immediately following the language "professional contest of unarmed combat".

SECTION 15. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. Sections 1 and 6 and Sections 8 through 14 shall take effect July 1, 2012, the public welfare requiring it. All other sections of this act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3264**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

Senate Bill No. 3330 -- Public Officials -- As introduced, revises provisions governing bonds required of certain public officials. Amends TCA Title 5; Title 6; Title 7; Title 8; Title 9; Title 13; Title 18; Title 49; Title 54 and Title 67.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 54-4-103(c), is amended by deleting the language "comptroller of the treasury" and by substituting the language "office of the county clerk".

SECTION 2. Tennessee Code Annotated, Section 54-9-119, is amended by deleting the language "comptroller of the treasury" and by substituting the language "office of the county clerk".

SECTION 3. Tennessee Code Annotated, Section 67-1-505, is amended by deleting the language "ten thousand dollars (\$10,000) in subsection (a)(1) and by substituting the language "fifty thousand dollars (\$50,000)" and further amended by deleting the language "comptroller of the treasury" and by substituting the language "office of the county clerk".

SECTION 4. Tennessee Code Annotated, Section 67-1-505, is amended by deleting subsections (a)(2) and (c) in their entirety and renumbering accordingly.

SECTION 5. Tennessee Code Annotated, Section 8-19-119, is amended by deleting the language "and filed".

SECTION 6. This act shall take effect upon becoming a law and shall apply to the renewal or obtaining of an official bond for any bonding after the effective date, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3330**, as amended, passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

Senate Bill No. 3337 -- Public Funds and Financing -- As introduced, authorizes county legislative body to allow trustees to invest funds in state intermediate-term investment fund. Amends TCA Section 9-4-608.

On motion, Senate Bill No. 3337 was made to conform with **House Bill No. 3276**.

On motion, House Bill No. 3276, on same subject, was substituted for Senate Bill No. 3337.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 9-4-608, is amended by adding the following language as new, appropriately designated subsections:

(_) The county legislative body shall determine whether a need exists for a longer-term investment for funds in the custody of the county trustee. Upon determining that such a need exists, the county legislative body may, by resolution duly adopted, authorize the county trustee to invest county funds in the state intermediate-term investment fund, notwithstanding § 5-8-301. County investments in the state intermediate-term investment fund shall be administered by the county trustee within the guidelines established.

(_) Notwithstanding § 5-8-301, any entity that is eligible to participate in the pooled investment fund codified in § 9-4-603 may participate in the state intermediate-term investment fund.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

MR. SPEAKER RAMSEY RELINQUISHES CHAIR

Mr. Speaker Ramsey relinquished the Chair to Senator Watson as Speaker pro tempore.

Senator Ketron moved that **House Bill No. 3276** be moved two places down on Calendar No. 1 for today, which motion prevailed.

Senate Bill No. 3350 -- Election Laws -- As introduced, revises various provisions related to elections. Amends TCA Section 2-13-203(d); Section 2-14-106(a); Section 2-14-202(b); Section 2-2-111(b); Section 2-2-114(b); Section 2-2-129(a)(1); Section 2-3-101(a); Section 2-3-103; Section 2-4-108(b); Section 2-5-151(c); Section 2-6-102(a)(1); Section 2-6-103(a)(1); Section 2-8-104; Section 2-9-109(b) and Section 67-6-707(2).

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 2 and Section 4 of the printed bill and by redesignating subsequent sections accordingly.

AND FURTHER AMEND by deleting the language "twenty (20)" in Section 7 of the printed bill and by substituting instead the language "fifteen (15)".

On motion, Amendment No. 1 was adopted.

Senator McNally moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting Section 15 of the printed bill and redesignating the remaining section accordingly.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 3350**, as amended, passed its third and final consideration by the following vote:

Ayes	20
Noes	8
Present, not voting . . .	1

Senators voting aye were: Beavers, Bell, Campfield, Faulk, Gresham, Harper, Henry, Johnson, Kelsey, Ketron, Massey, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson and Yager--20.

Senators voting no were: Barnes, Berke, Burks, Finney, Haynes, Herron, Marrero and Stewart--8.

Senator present and not voting was: Ford--1.

A motion to reconsider was tabled.

Senate Bill No. 3070 -- Business Organizations -- As introduced, revises the Tennessee Business Corporation Act. Amends TCA Title 48.

Senator Norris declared Rule 13 on **Senate Bill No. 3070**.

On motion, Senate Bill No. 3070 was made to conform with **House Bill No. 3459**.

On motion, House Bill No. 3459, on same subject, was substituted for Senate Bill No. 3070.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

On motion of Senator Henry, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 3459** passed its third and final consideration by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson and Yager--28.

A motion to reconsider was tabled.

FURTHER ACTION ON HOUSE BILL NO. 3276

On motion of Senator Yager, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3276** passed its third and final consideration by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy and Watson--28.

A motion to reconsider was tabled.

Senator Faulk moved that **Senate Bill No. 3590** be moved ten places down on Calendar No. 1 for today, which motion prevailed.

Senator Johnson moved that **Senate Bill No. 3657** be moved five places down on Calendar No. 1 for today, which motion prevailed.

Senator Johnson moved that **Senate Bill No. 3658** be moved five places down on Calendar No. 1 for today, which motion prevailed.

Senator Johnson moved that **Senate Bill No. 3659** be moved five places down on Calendar No. 1 for today, which motion prevailed.

Senator Watson moved that **Senate Bill No. 3743** be moved five places down on Calendar No. 1 for today, which motion prevailed.

Senator Watson moved that **Senate Bill No. 3790** be moved five places down on Calendar No. 1 for today, which motion prevailed.

Senate Joint Resolution No. 762 -- Memorials, Death -- Former Senator William Allen Richardson, Jr.

Senate Joint Resolution No. 762 was adopted by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson and Yager--30.

A motion to reconsider was tabled.

Senator Faulk moved that **Senate Bill No. 3590** be moved five places down on Calendar No. 1 for today, which motion prevailed.

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Senator Watson moved that **Senate Bill No. 3657** be placed at the heel of Calendar No. 1 for today, which motion prevailed.

Senator Watson moved that **Senate Bill No. 3658** be placed at the heel of Calendar No. 1 for today, which motion prevailed.

Senator Watson moved that **Senate Bill No. 3659** be placed at the heel of Calendar No. 1 for today, which motion prevailed.

Senate Joint Resolution No. 725 -- Memorials, Congress -- Urges Congress to enact legislation to modernize the Toxic Substances Control Act of 1976.

Senator Henry moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the fourth and tenth WHEREAS clauses.

AND FURTHER AMEND by deleting the following language in the first resolving clause:

- Reward innovation by fast-tracking approval of new, demonstrably safer chemicals, and invest in green chemistry research and workforce development to boost American business and spurs jobs making safer alternatives; and
- Promote environmental justice by developing action plans to reduce disproportionate exposure to toxic chemicals in "hot spot" communities.

AND FURTHER AMEND in the first resolving clause by deleting the language "federal government's;" and substituting instead the language "federal government's; and"; and by deleting the language "developing fetus;" and substituting instead the language "developing fetus."

On motion, Amendment No. 1 was adopted.

Senator Marrero moved that **Senate Joint Resolution No. 725**, as amended, be moved ten places down on Calendar No. 1 for today, which motion prevailed.

Senator Watson moved that **Senate Bill No. 3743** be placed at the heel of Calendar No. 1 for today, which motion prevailed.

Senate Bill No. 3790 -- Harriman -- As introduced, subject to local approval, moves the city election to coincide with the August general election beginning in 2014; extends the two-year term of office of officials elected in the June, 2011 election to the first day of September, 2014 following the August election. Amends Chapter 49 of the Acts of 1891; as amended.

On motion, Senate Bill No. 3790 was made to conform with **House Bill No. 3858**.

On motion, House Bill No. 3858, on same subject, was substituted for Senate Bill No. 3790.

House Bill No. 3858 passed its third and final consideration by the following vote:

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Ayes 26
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Haynes, Henry, Johnson, Kelsey, Ketron, Marrero, Massey, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson and Yager--26.

A motion to reconsider was tabled.

House Joint Resolution No. 599 -- Memorials, Congress -- Urges Congress to enact H.R. 3676 and ensure that citizens of the United States cannot be held against their will without all of the Due Process rights guaranteed by the United States Constitution.

House Joint Resolution No. 599 was concurred in by the following vote:

Ayes 22
Noes 1
Present, not voting . . . 4

Senators voting aye were: Beavers, Bell, Burks, Campfield, Crowe, Faulk, Gresham, Harper, Haynes, Henry, Herron, Johnson, Ketron, Massey, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson and Yager--22.

Senator voting no was: Marrero--1.

Senators present and not voting were: Barnes, Berke, Ford and Kelsey--4.

A motion to reconsider was tabled.

MOTION

Senator Gresham moved that Rule 37 be suspended for the immediate consideration of **Senate Resolution No. 128**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Resolution No. 128 -- Memorials, Interns -- Jessica Eloise Terry.

On motion of Senator Gresham, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 128** was adopted.

A motion to reconsider was tabled.

CALENDAR NO. 1

House Joint Resolution No. 667 -- Memorials, Congress -- Urges Congress to overturn the Health & Human Services final interim rule on contraceptives coverage for religiously affiliated employers.

House Joint Resolution No. 667 was concurred in by the following vote:

Ayes	20
Noes	3
Present, not voting . . .	3

Senators voting aye were: Beavers, Bell, Campfield, Faulk, Gresham, Haynes, Henry, Johnson, Kelsey, Ketron, Massey, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--20.

Senators voting no were: Berke, Kyle and Marrero--3.

Senators present and not voting were: Barnes, Burks and Ford--3.

A motion to reconsider was tabled.

Senator Watson moved that **House Joint Resolution No. 734** be placed at the heel of Calendar No. 1 for today, which motion prevailed.

Senator Faulk moved that **Senate Bill No. 3590** be moved five places down on Calendar No. 1 for today, which motion prevailed.

Senator Watson moved that **House Joint Resolution No. 742** be placed at the heel of Calendar No. 1 for today, which motion prevailed.

Senator Watson moved that **House Joint Resolution No. 743** be placed at the heel of Calendar No. 1 for today, which motion prevailed.

Senator Watson moved that **Senate Bill No. 233** be placed at the heel of Calendar No. 1 for today, which motion prevailed.

Senate Bill No. 2630 -- Education -- As introduced, changes from September 30 to July 31 the date by which children must reach age four in order to enter pre-K or age five to enter kindergarten; permits a child to enter kindergarten at age four, if the parent requests entrance and the child is sufficiently mature. Amends TCA Title 49, Chapter 6.

On motion, Senate Bill No. 2630 was made to conform with **House Bill No. 2566**.

On motion, House Bill No. 2566, on same subject, was substituted for Senate Bill No. 2630.

Senator Gresham moved that Amendment No. 1 be placed at the heel of the Amendments, which motion prevailed.

On motion of Senator Johnson, Amendment No. 2 was withdrawn.

On motion of Senator Gresham, Amendment No. 1 was withdrawn.

Senator Johnson moved that **House Bill No. 2566** be placed at the heel of Calendar No. 1 for today, which motion prevailed.

MOTION

Senator Norris moved that the Message Calendar be considered next, out of order, which motion prevailed.

MOTION

Senator Faulk moved that Rule 19 and Rule 40 be suspended for the purpose of making and considering the Message Calendar consisting of the following bills: **Senate Bills Nos. 2156, 2370, 2407, 2617, 2776, 3223, 3655 and 3663**, which motion prevailed.

MESSAGE CALENDAR

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2156 -- Students -- As introduced, prohibits promotion of students in the third and eighth grades who do not demonstrate understanding of the curriculum and the ability to perform required grade level skills either through the student's grades or standardized test scores, except under certain circumstances. Amends TCA Section 49-6-3115.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-3115, is amended by designating the existing language as subsection (a) and by adding the following language as new subsection (b):

(b) Notwithstanding subsection (a), charter schools may promote or retain students based upon the students' demonstrated skills on the Tennessee Comprehensive Assessment Program (TCAP) tests or upon their grades.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Kelsey moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2156**, which motion prevailed by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson and Yager--31.

A motion to reconsider was tabled.

Senator Herron moved that **Senate Bill No. 2370** be placed on the next Message Calendar, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2407 -- Controlled Substances -- As introduced, expands responsibility to report under "doctor shopping" laws; permits hospitals access to database for certain purposes and immunizes them from liability; requires photo identification for persons picking up prescriptions; allows federal law enforcement to access database without warrant; requires real-time access for law enforcement and pharmacists; requires pain clinics to be owned by Tennessee doctors or hospitals; penalizes interference with pharmacists' decisions to fill prescriptions; requires methadone clinics to query database. Amends TCA Title 39, Chapter 17, Part 4; Title 53, Chapter 10, Part 3; Title 53, Chapter 11, Part 3; Section 53-11-402; Title 63, Chapter 1, Part 3; Title 63, Chapter 10, Part 2 and Title 71, Chapter 5, Part 26.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 53-10-306(a), is amended by adding the following as new subdivision (6) and renumbering accordingly:

(6) A quality improvement committee as defined in Section 68-11-272 of a hospital licensed under Title 68 or Title 33, as part of the committee's confidential and privileged activities under Section 68-11-272(b)(4) with respect to the evaluation, supervision or discipline of a healthcare provider employed by the hospital or any of its affiliates or subsidiaries, who is known or suspected by the hospital's administrator to be prescribing controlled substances for the prescriber's personal use;

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator McNally moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2407**, which motion prevailed by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2617 -- Motor Vehicles -- As introduced, inserts an omitted reference to the 10-day period within which an owner of a garage, trailer park or lot must report abandoned vehicles; increases, from 14 to 20 days, the grace period for certain members of the military to renew registrations upon returning to Tennessee after being stationed overseas. Amends TCA Title 55.

HOUSE AMENDMENT NO. 2

AMEND by adding the following as a new section to precede the effective date section:

SECTION _____. Tennessee Code Annotated, Section 55-4-349, is amended by adding the following as new subsection (d):

(d) Notwithstanding § 55-4-201(h)(1), the Tennessee's veterans new specialty earmarked license plates authorized by this section shall have one (1) year from the effective date of this act or until July 1, 2013, whichever is later, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

Senator Tracy moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 2617**, which motion prevailed by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senator Watson moved that **Senate Bill No. 2776** be placed at the heel of the Message Calendar for today, which motion prevailed.

Senator Watson moved that **Senate Bill No. 3223** be placed at the heel of the Message Calendar for today, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3655 -- Game and Fish Laws -- As introduced, allows director to issue permanent sport combination hunting and fishing license without payment of a fee to disabled Tennessee residents under the age of 18. Amends TCA Title 70, Chapter 2.

HOUSE AMENDMENT NO. 2

AMEND by adding the following language immediately preceding subdivision (e)(1) in Section 70-2-104 of Section 1 of the bill as amended and by renumbering the subsequent subdivisions accordingly:

(e)(1) This act shall be known and may be cited as the "Hunter Wright Hunting and Fishing Act".

Senator Southerland moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 3655**, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3663 -- Tattoos and Piercings -- As introduced, adds recordkeeping and other requirements for tattooing of minors, increases penalties for violations related to tattooing of minors. Amends TCA Title 37; Title 39, Chapter 15, Part 4 and Title 62, Chapter 38, Part 2.

HOUSE AMENDMENT NO. 3

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 62-38-210, is amended by deleting subsection (b) and substituting the following:

(b) This part does not apply to any physician, surgeon or any person under the supervision of a physician or surgeon who is licensed to practice medicine in this state.

Senator Kyle moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 3663**.

Senator Kyle moved that **Senate Bill No. 3663** be placed on the next Message Calendar, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2776 -- Controlled Substances -- As introduced, permits county medical examiners to access the controlled substance database, absolves civil and criminal liability for authorized users acting in good faith within the proscribed limits, and establishes a presumption of good faith action where a medical examiner accesses the information for the purpose of conducting an investigation into a death or making a report as required by the duties of the position. Amends TCA Title 38, Chapter 7; Title 39 and Title 53, Chapter 10.

HOUSE AMENDMENT NO. 1

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 53-10-306(d), is amended by deleting the language "(a)(6)(C)" wherever it appears in subdivisions (1) and (2) and by substituting instead the language "(a)(7)(C)".

Senator McNally moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2776**, which motion prevailed by the following vote:

Ayes 32
Noes 0

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Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3223 -- Planning, Public -- As introduced, enacts the "Tennessee Local Land Bank Pilot Program". Amends TCA Title 13.

HOUSE AMENDMENT NO. 2

AMEND by adding the following language immediately after § 13-30-112(b) under Section 1 of the bill as amended:

(c) The board of directors of the corporation shall cause an annual audit to be made of the books and records of the corporation. With prior approval of the comptroller of the treasury, the audit may be performed by a licensed certified public accountant selected by the corporation. If a licensed certified public accountant is employed, the audit contract between the corporation and the licensed certified public accountant shall be on contract forms prescribed by the comptroller of the treasury. The cost of any audit shall be paid by the corporation. The comptroller of the treasury, through the Department of Audit, shall be responsible for determining that the audits are prepared in accordance with generally accepted government auditing standards and that the audits meet the minimum standards prescribed by the comptroller of the treasury.

(d) In the event the governing body of the corporation fails or refuses to have the audit prepared, then the comptroller of the treasury may appoint a licensed certified public accountant, or direct the Department of Audit, to prepare the audit, the cost of the audit to be paid by the corporation.

(e) A copy of the annual audit referenced in subsection (c) shall be filed annually with the creating local government or local governments.

Senator McNally moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 3223**, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Massey, McNally, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 3

AMEND by deleting the following language in § 13-30-118 in Section 1:

(4) The appeals committee shall deliberate and render a decision by a majority vote as to whether the official acted appropriately in making the decision. The decision shall also include a recommendation for appropriate legislative body of the local government, if any is required or recommended, to remedy the issue in accordance with the decision rendered by the appeals committee.

and by substituting instead the following language:

(4) The appeals committee shall deliberate and render a decision by a majority vote as to whether the official acted appropriately in making the decision. The decision shall also include a recommendation for appropriate legislative action to be taken by the local government, if any is required or recommended, to remedy the issue in accordance with the decision rendered by the appeals committee.

Senator McNally moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 3223**, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

RECESS

Senator Norris moved the Senate stand in recess until 3:00 p.m., which motion prevailed.

CALL TO ORDER

The Senate was called to order by Mr. Speaker Ramsey.

ROLL CALL

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

MOTION

Senator Faulk moved that Rule 19 and Rule 38 be suspended for the purpose of making and considering the Consent Calendar consisting of the following resolutions: **Senate Joint Resolutions Nos. 870, 871, 873, 874, 875, 876, 877, 879, 880, 881, 882, 883, 884, 885, 887, 888, 889, 890, 891, 892, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 906, 908 and 909; Senate Resolutions Nos. 122, 123, 124, 126, 127, 130, 131 and 133; and House Joint Resolutions Nos. 844, 890, 933, 936, 988, 989, 990, 991, 992, 993, 994, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027,**

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1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1056, 1057, 1058, 1059, 1060, 1062, 1063, 1064, 1065 and 1066, which motion prevailed.

CONSENT CALENDAR

Objections having been raised, the following resolution was placed at the heel of the calendar for Thursday, April 26, 2012, pursuant to Rule 38: **Senate Resolution No. 133.**

Senate Joint Resolution No. 870 -- Memorials, Retirement -- Dr. Donald L. Hopper.

Senate Joint Resolution No. 871 -- Memorials, Death -- Dr. Johnny Bates.

Senate Joint Resolution No. 873 -- Memorials, Recognition -- Commemorates dedication of Heritage Peace Garden on grounds of Pickett Chapel in Lebanon.

Senate Joint Resolution No. 874 -- Memorials, Professional Achievement -- Debra Martin, Wilson County Teacher of the Year.

Senate Joint Resolution No. 875 -- Memorials, Academic Achievement -- Nick Friddell, Salutatorian, Heritage Christian Academy.

Senate Joint Resolution No. 876 -- Memorials, Academic Achievement -- Mitchell White, Valedictorian, Heritage Christian Academy.

Senate Joint Resolution No. 877 -- Memorials, Interns -- Randi Perry.

Senate Joint Resolution No. 879 -- Memorials, Sports -- Dresden High School football team, 2011 Division I Class 2A Finalists.

Senate Joint Resolution No. 880 -- Memorials, Death -- Jeremy Ryan Hill.

Senate Joint Resolution No. 881 -- Memorials, Death -- Lola Mae Blurton.

Senate Joint Resolution No. 882 -- Memorials, Death -- Teresa Ann Holman Layne.

Senate Joint Resolution No. 883 -- Memorials, Death -- Dwayne Hill.

Senate Joint Resolution No. 884 -- Memorials, Recognition -- Liberty High School Air Force Junior Reserve Officers Training Corps Program.

Senate Joint Resolution No. 885 -- Memorials, Recognition -- Tennessee State University, Centennial Celebration.

Senate Joint Resolution No. 887 -- Memorials, Interns -- Allison Otting.

Senate Joint Resolution No. 888 -- Memorials, Recognition -- Deliverance Outreach Temple Church, 20th anniversary.

Senate Joint Resolution No. 889 -- Memorials, Death -- Dr. Jaime Virata Mangubat.

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Senate Joint Resolution No. 890 -- Memorials, Academic Achievement -- SharDarius L. Gatlin, 2012 Stan and Thelma Plumlee Scholarship.

Senate Joint Resolution No. 891 -- Memorials, Recognition -- Appalachian Ballet Company, 40th anniversary.

Senate Joint Resolution No. 892 -- Memorials, Interns -- Morgan Kinney.

Senate Joint Resolution No. 894 -- Memorials, Recognition -- Historic Shorter Chapel African Methodist Episcopal Church, 144th anniversary.

Senate Joint Resolution No. 895 -- Memorials, Public Service -- Dr. Dale Lynch, Director of Schools, Hamblen County.

Senate Joint Resolution No. 896 -- Memorials, Interns -- Jennifer Kay Pinho.

Senate Joint Resolution No. 897 -- Memorials, Recognition -- Pat Summitt, Presidential Medal of Freedom.

Senate Joint Resolution No. 898 -- General Assembly, Statement of Intent or Position -- Commends President Obama for selecting Pat Summitt as recipient of Presidential Medal of Freedom.

Senate Joint Resolution No. 899 -- Memorials, Interns -- Garrett Louis Montague.

Senate Joint Resolution No. 900 -- Memorials, Retirement -- Jeff Jordan.

Senate Joint Resolution No. 901 -- Memorials, Interns -- James Austin Palasek North.

Senate Joint Resolution No. 902 -- Memorials, Recognition -- Lynn Gibson, Tennessee Governor of Pilot International.

Senate Joint Resolution No. 903 -- Memorials, Interns -- Nicollette N. Davis.

Senate Joint Resolution No. 906 -- Memorials, Interns -- Benjamin Hadden.

Senate Joint Resolution No. 908 -- Memorials, Death -- Hunter Lane, Jr.

Senate Joint Resolution No. 909 -- Memorials, Retirement -- Theda Bramlett.

Senate Resolution No. 122 -- Memorials, Death -- Lonnie Jerome Emanus.

Senate Resolution No. 123 -- Memorials, Interns -- Samantha Meyer.

Senate Resolution No. 124 -- Memorials, Recognition -- African Methodist Episcopal Church, 49th Quadrennial Session of the General Conference.

Senate Resolution No. 126 -- Memorials, Academic Achievement -- Adam Joseph Stark, Salutatorian, Signal Mountain High School.

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Senate Resolution No. 127 -- Memorials, Academic Achievement -- Jessica L. Keane, Valedictorian, Signal Mountain High School.

Senate Resolution No. 130 -- Memorials, Academic Achievement -- Catherine Morgan Davis, Salutatorian, Ooltewah High School.

Senate Resolution No. 131 -- Memorials, Academic Achievement -- Ajay Dharmen Makwana, Valedictorian, Ooltewah High School.

House Joint Resolution No. 844 -- Memorials, Public Service -- Representative Michael McDonald.

House Joint Resolution No. 890 -- Memorials, Public Service -- Representative Gary W. Moore, Sr.

House Joint Resolution No. 933 -- Memorials, Public Service -- Representative Joey Hensley.

House Joint Resolution No. 936 -- Memorials, Public Service -- Representative Frank Niceley.

House Joint Resolution No. 988 -- Memorials, Professional Achievement -- Joe L. Rodgers, 66th President of Tennessee Road Builders Association.

House Joint Resolution No. 989 -- Memorials, Interns -- Hannah Lee Zeitlin.

House Joint Resolution No. 990 -- Memorials, Interns -- Samuel O'Rourke.

House Joint Resolution No. 991 -- Memorials, Interns -- Mary Katherine "Katy" Brown.

House Joint Resolution No. 992 -- Memorials, Interns -- Holly Renae Morgan.

House Joint Resolution No. 993 -- Memorials, Retirement -- Sally Swaney.

House Joint Resolution No. 994 -- Memorials, Recognition -- Gallatin Lions Club, 75th anniversary.

House Joint Resolution No. 1003 -- Memorials, Recognition -- Charles G. "Bones" Seviars.

House Joint Resolution No. 1004 -- Memorials, Academic Achievement -- Adam Nicholas Edwards, Valedictorian, Jo Byrns High School.

House Joint Resolution No. 1005 -- Memorials, Academic Achievement -- Gabriel Kellar Castro, Salutatorian, Jo Byrns High School.

House Joint Resolution No. 1006 -- Memorials, Academic Achievement -- James Dukes, Valedictorian, White House Heritage High School.

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House Joint Resolution No. 1007 -- Memorials, Academic Achievement -- Bailey Mannis, Salutatorian, White House Heritage High School.

House Joint Resolution No. 1008 -- Memorials, Academic Achievement -- Brandi Drexler, Valedictorian, Springfield High School.

House Joint Resolution No. 1009 -- Memorials, Academic Achievement -- Jana Plant, Salutatorian, Springfield High School.

House Joint Resolution No. 1010 -- Memorials, Academic Achievement -- Victoria Fagan, Valedictorian, Christian Community High School.

House Joint Resolution No. 1011 -- Memorials, Academic Achievement -- Ashley Jackson, Salutatorian, Christian Community High School.

House Joint Resolution No. 1012 -- Memorials, Academic Achievement -- Austin R. Jenkins, Valedictorian, Greenbrier High School.

House Joint Resolution No. 1013 -- Memorials, Academic Achievement -- David P. Williams, Salutatorian, Greenbrier High School.

House Joint Resolution No. 1014 -- Memorials, Academic Achievement -- Taylor Marie Moore, Valedictorian, South Haven Christian School.

House Joint Resolution No. 1015 -- Memorials, Academic Achievement -- Hannah Brooke Keith, Valedictorian, South Haven Christian School.

House Joint Resolution No. 1016 -- Memorials, Academic Achievement -- Joseph Louie Florendo, Salutatorian, South Haven Christian School.

House Joint Resolution No. 1018 -- Memorials, Academic Achievement -- Alison Nicole Wheatley, Valedictorian, Creek Wood High School.

House Joint Resolution No. 1019 -- Memorials, Academic Achievement -- Easton Stone Dawson, Salutatorian, Creek Wood High School.

House Joint Resolution No. 1020 -- Memorials, Professional Achievement -- Jake Stansell, 67th President of the Tennessee Road Builders Association.

House Joint Resolution No. 1021 -- Memorials, Recognition -- Polk County High School, Future Business Leaders of America competition.

House Joint Resolution No. 1022 -- Memorials, Academic Achievement -- Kenneth Brown, Salutatorian, Mt. Juliet Christian Academy.

House Joint Resolution No. 1023 -- Memorials, Academic Achievement -- Robert Hibbett, Valedictorian, Mt. Juliet Christian Academy.

House Joint Resolution No. 1024 -- Memorials, Academic Achievement -- Perry Belcher, Valedictorian, Wilson Central High School.

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House Joint Resolution No. 1025 -- Memorials, Academic Achievement -- Zach Pollock, Salutatorian, Mt. Juliet Christian Academy.

House Joint Resolution No. 1026 -- Memorials, Academic Achievement -- Phillip Andrew Lundy, Jr., Valedictorian, Mt. Juliet Christian School.

House Joint Resolution No. 1027 -- Memorials, Academic Achievement -- Ashley Johnson, Valedictorian, Kirby High School.

House Joint Resolution No. 1028 -- Memorials, Academic Achievement -- Bri'Anna Olivia Tate, Valedictorian, Westwood High School.

House Joint Resolution No. 1029 -- Memorials, Academic Achievement -- Brandi Wells, Valedictorian, Fairley High School.

House Joint Resolution No. 1030 -- Memorials, Academic Achievement -- Alexis Harper, Valedictorian, Mitchell High School.

House Joint Resolution No. 1031 -- Memorials, Academic Achievement -- Jaundra T. Clark, Salutatorian, Fairley High School.

House Joint Resolution No. 1032 -- Memorials, Academic Achievement -- Stephanie Jordan, Salutatorian, Mitchell High School.

House Joint Resolution No. 1033 -- Memorials, Academic Achievement -- Enrique Deon Smith, Salutatorian, Westwood High School.

House Joint Resolution No. 1034 -- Memorials, Academic Achievement -- Melvin Rucker, Salutatorian, Kirby High School.

House Joint Resolution No. 1035 -- Memorials, Academic Achievement -- Kristen Nicole Black, Valedictorian, East Hickman High School.

House Joint Resolution No. 1036 -- Memorials, Academic Achievement -- Chelsea Marlin, Salutatorian, East Hickman High School.

House Joint Resolution No. 1037 -- Memorials, Academic Achievement -- Lucas Ryne Hilliard, Valedictorian, White House High School.

House Joint Resolution No. 1038 -- Memorials, Academic Achievement -- Kindle Shea Williams, Valedictorian, White House High School.

House Joint Resolution No. 1039 -- Memorials, Academic Achievement -- Carly Marie Dickson, Valedictorian, White House High School.

House Joint Resolution No. 1040 -- Memorials, Academic Achievement -- Heather Richardson, Valedictorian, Clinch School.

House Joint Resolution No. 1041 -- Memorials, Academic Achievement -- Stephen Dylan Seal, Salutatorian, Clinch School.

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House Joint Resolution No. 1042 -- Memorials, Retirement -- Michael T. Harris.

House Joint Resolution No. 1043 -- Memorials, Interns -- Alison Marie Bright.

House Joint Resolution No. 1044 -- Memorials, Interns -- Christopher A. Moore.

House Joint Resolution No. 1045 -- Memorials, Academic Achievement -- Cody Atkinson, Nestle Waters 'Every Drop Counts' Scholarship Award Winner, Lewis County High School.

House Joint Resolution No. 1046 -- Memorials, Academic Achievement -- Jessie Erin Richards, Valedictorian, East Robertson High School.

House Joint Resolution No. 1047 -- Memorials, Academic Achievement -- Audrey Elizabeth Blanton, Salutatorian, East Robertson High School.

House Joint Resolution No. 1048 -- Memorials, Recognition -- Youth Leadership Robertson County, Class of 2012.

House Joint Resolution No. 1049 -- Memorials, Recognition -- Leadership Robertson County, Class of 2012.

House Joint Resolution No. 1050 -- Memorials, Public Service -- Harry Gill, Jr., Rutherford County Director of Schools.

House Joint Resolution No. 1051 -- Memorials, Professional Achievement -- Meah King, Milken Educator Award.

House Joint Resolution No. 1052 -- Memorials, Recognition -- Diana Ross.

House Joint Resolution No. 1053 -- Memorials, Recognition -- Leadership Middle Tennessee, Class of 2012.

House Joint Resolution No. 1054 -- Memorials, Recognition -- S & S Whole Sale Tire of Knoxville, 25th anniversary.

House Joint Resolution No. 1056 -- Memorials, Death -- Sheril Elliott.

House Joint Resolution No. 1057 -- Memorials, Academic Achievement -- Julian Chambers, Valedictorian, Frayser High School.

House Joint Resolution No. 1058 -- Memorials, Recognition -- AKA Day on the Hill 2012.

House Joint Resolution No. 1059 -- Memorials, Recognition -- James Cole Overholt.

House Joint Resolution No. 1060 -- Memorials, Recognition -- Pat Summitt.

House Joint Resolution No. 1062 -- Memorials, Academic Achievement -- Nathaniel Armstrong, Salutatorian, Hickman County High School.

House Joint Resolution No. 1063 -- Memorials, Academic Achievement -- Clea Harrelson, Valedictorian, Hickman County High School.

House Joint Resolution No. 1064 -- Memorials, Death -- Dr. Jaime Virata Mangubat.

House Joint Resolution No. 1065 -- Memorials, Recognition -- John J. Spittler, Four Chaplains Legion of Honor Award.

House Joint Resolution No. 1066 -- Memorials, Personal Occasion -- Mae Yarbrough Henning, 100th birthday.

Senator Faulk moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

CALENDAR NO. 1

Senate Bill No. 3590 -- Wildlife Resources Commission -- As introduced, rewrites provisions governing board for the conservation of game, fish and wildlife; replaces Wildlife Resources Commission with Wildlife Conservation Commission. Amends TCA Title 4; Title 11; Title 43; Title 44; Title 67; Title 69 and Title 70.

On motion, Senate Bill No. 3590 was made to conform with **House Bill No. 2776**.

On motion, House Bill No. 2776, on same subject, was substituted for Senate Bill No. 3590.

On motion of Senator Bell, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2776** passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

Senate Bill No. 2826 -- Criminal Procedure -- As introduced, specifies that when a court orders a defendant charged with a misdemeanor to be evaluated for insanity or mental illness, the court shall also order the evaluation to be complete within 15 days from the time the professional evaluator receives the court order. Amends TCA Title 33, Chapter 7, Part 3.

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On motion, Senate Bill No. 2826 was made to conform with **House Bill No. 2962**.

On motion, House Bill No. 2962, on same subject, was substituted for Senate Bill No. 2826.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2962** passed its third and final consideration by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--28.

A motion to reconsider was tabled.

Senator Haynes moved that **Senate Bill No. 2882** be moved five places down on Calendar No. 1 for today, which motion prevailed.

Senate Bill No. 1165 -- Municipal Government -- As introduced, increases penalty for misuse of municipal sidewalk from Class C to Class B misdemeanor. Amends TCA Title 7.

On motion, Senate Bill No. 1165 was made to conform with **House Bill No. 1376**.

On motion, House Bill No. 1376, on same subject, was substituted for Senate Bill No. 1165.

On motion of Senator Yager, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 1376** passed its third and final consideration by the following vote:

Ayes	20
Noes	3
Present, not voting . . .	1

Senators voting aye were: Beavers, Bell, Campfield, Faulk, Gresham, Haynes, Henry, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Berke, Kyle and Marrero--3.

Senator present and not voting was: Barnes--1.

A motion to reconsider was tabled.

Senate Bill No. 1716 -- County Government -- As introduced, authorizes creation of Design Review Commissions by county legislative bodies. Amends TCA Title 5, Chapter 1, Part 1.

On motion, Senate Bill No. 1716 was made to conform with **House Bill No. 1075**.

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On motion, House Bill No. 1075, on same subject, was substituted for Senate Bill No. 1716.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following language as subsection (g) at the end of the amendatory language in Section 1 of the bill:

(g) Nothing in this section shall be construed to apply to "outdoor advertising" as defined in § 54-21-102.

On motion, Amendment No. 1 was adopted.

On motion of Senator Yager, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 1075**, as amended, passed its third and final consideration by the following vote:

Ayes	25
Noes	1
Present, not voting . . .	2

Senators voting aye were: Beavers, Burks, Crowe, Faulk, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Roberts, Southerland, Stewart, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--25.

Senator voting no was: Campfield--1.

Senators present and not voting were: Bell and Summerville--2.

A motion to reconsider was tabled.

Senator Norris moved that **Senate Bill No. 2245** be placed at the heel of Calendar No. 1 for today, which motion prevailed.

Senator Faulk moved that **Senate Bill No. 2247** be placed at the heel of Calendar No. 1 for today, which motion prevailed.

Senator Faulk moved that **Senate Bill No. 2284** be rereferred to the Committee on Calendar, which motion prevailed.

Senator Haynes moved that **Senate Bill No. 2882** be placed at the heel of Calendar No. 1 for today, which motion prevailed.

Senate Bill No. 2556 -- Criminal Offenses -- As introduced, limits the offense of harassment by display of an image to cases in which the defendant intends the image to intimidate the victim, the victim is likely to see the image, a reasonable person is intimidated by the image and the victim is actually intimidated. Amends TCA Title 39 and Title 49.

On motion, Senate Bill No. 2556 was made to conform with **House Bill No. 2641**.

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On motion, House Bill No. 2641, on same subject, was substituted for Senate Bill No. 2556.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2641** passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 2986 -- Education -- As introduced, requires virtual schools and education programs to maintain teacher-pupil ratios set by the State Board of Education and to provide the same length of time for learning opportunities as required for other schools, but allow a student to move at the student's own pace; allows technology access to be provided through computer labs; makes an online course a requirement for graduation from high school beginning with the students entering ninth grade in the 2013-2014 school year. Amends TCA Title 49.

On motion, Senate Bill No. 2986 was made to conform with **House Bill No. 3062**.

On motion, House Bill No. 3062, on same subject, was substituted for Senate Bill No. 2986.

Senator Berke moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

On motion of Senator Gresham, Amendment No. 2 was withdrawn.

Senator Berke moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 1 of the bill in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-104, is amended by adding the following language as a new, appropriately designated subsection:

() Virtual schools and virtual education programs operated and managed by an LEA itself shall not exceed the teacher-pupil ratio for virtual schools set by the State Board of Education. Subsection (a) shall apply to virtual schools operated or managed by an entity other than an LEA.

Senator Gresham moved that Amendment No. 1 go to the table, which motion prevailed by the following vote:

Ayes	16
Noes	11

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Senators voting aye were: Beavers, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, Norris, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey --16.

Senators voting no were: Barnes, Berke, Finney, Harper, Haynes, Henry, Herron, Kyle, Marrero, Stewart and Tate--11.

Thereupon, **House Bill No. 3062** passed its third and final consideration by the following vote:

Ayes	24
Noes	8

Senators voting aye were: Beavers, Bell, Burks, Campfield, Crowe, Faulk, Gresham, Henry, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--24.

Senators voting no were: Barnes, Berke, Finney, Harper, Haynes, Herron, Kyle and Marrero --8.

A motion to reconsider was tabled.

Senate Bill No. 3324 -- Firearms and Ammunition -- As introduced, defines and clarifies the terms "intent to go armed" and "purpose of going armed" when determining if person is in violation of law prohibiting a person from carrying a firearm with the intent to go armed under certain circumstances. Amends TCA Title 39, Chapter 17.

On motion, Senate Bill No. 3324 was made to conform with **House Bill No. 3499**.

On motion, House Bill No. 3499, on same subject, was substituted for Senate Bill No. 3324.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Senator Beavers moved that **House Bill No. 3499** be placed at the heel of Calendar No. 1 for today, which motion prevailed.

Senator Marrero moved that **Senate Bill No. 3142** be placed at the heel of Calendar No. 1 for today, which motion prevailed.

Senator Beavers moved that **Senate Bill No. 3597** be placed on the Calendar for Friday, April 27, 2012, which motion prevailed.

House Bill No. 3218 -- Fines and Penalties -- As introduced, requires person who pleads guilty to offense of reckless driving or reckless endangerment where the originally charged offense is DUI to pay fine from within the same range as first offense DUI fine. Amends TCA Title 39 and Title 55.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-205, is amended by deleting subsection (d) and substituting instead the following:

(d)(1) A violation of this section is a Class B misdemeanor.

(2) In addition to the penalty authorized by this subdivision (d)(1), the court shall assess a fine of fifty dollars (\$50.00) to be collected as provided in § 55-10-451 and distributed as provided in § 55-10-452.

SECTION 2. Tennessee Code Annotated, Section 39-13-103(b), is amended by adding the following new subdivision:

(4) In addition to the penalty authorized by this subsection, the court shall assess a fine of fifty dollars (\$50.00) to be collected as provided in § 55-10-451 and distributed as provided in § 55-10-452.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 3218**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

Mr. Speaker Ramsey moved that **Senate Bill No. 2206** be moved four places down on Calendar No. 1 for today, which motion prevailed.

FURTHER ACTION ON HOUSE BILL NO. 3499

Senator Beavers moved that **House Bill No. 3499** be placed on the Calendar for Friday, April 27, 2012, which motion prevailed.

FURTHER ACTION ON SENATE JOINT RESOLUTION NO. 725, AS AMENDED

Senator Marrero moved that **Senate Joint Resolution No. 725**, as amended, be placed on the Calendar for Friday, April 27, 2012, which motion prevailed.

Senate Bill No. 3743 -- Clerks, Court -- As introduced, authorizes certain counties to levy a \$1.00 litigation tax on each petition, warrant and citation to fund victim-offender mediation centers and initiatives. Amends TCA Title 16, Chapter 20, Part 1.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 16-20-106, is amended by adding the following as a new subsection:

(g)(1) By a two-thirds (2/3) vote of its legislative body, each county to which subdivision (c)(1) or (d) is applicable is authorized to levy an additional (\$1.00) litigation tax, for a total of two dollars (\$2.00) per case, to be denominated as a part of the court costs for each petition, warrant and citation, including warrants and citations for traffic offenses, in matters before the local general sessions courts and juvenile courts.

(2) Any revenue generated by subdivision (g)(1) shall be used by the county for the exclusive purpose of supporting a local victim-offender mediation center or centers organized pursuant to this chapter. Such funds shall be distributed on a monthly basis by the county to the victim-offender mediation center or centers for the purpose of handling victim-offender mediation and other community mediation matters.

(3) The taxes levied pursuant to this subsection (g) shall be in addition to any other taxes levied on litigation.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator McNally moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION 2. Notwithstanding any provision of this act to the contrary, any fees increased by this act that are assessed against the state or that otherwise represent a cost to the state shall be limited to the amounts chargeable prior to January 1, 2012.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 3743**, as amended, passed its third and final consideration by the following vote:

Ayes 24
Noes 3

Senators voting aye were: Barnes, Beavers, Burks, Crowe, Faulk, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Overbey, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--24.

Senators voting no were: Bell, Finney and Haynes--3.

A motion to reconsider was tabled.

Senate Bill No. 3657 -- Unemployment Compensation -- As introduced, allows employer to qualify as "seasonal employer" for purposes of unemployment insurance benefits. Amends TCA Title 50, Chapter 7.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all of the language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 7, Part 3, is amended by adding the following as a new section thereto:

50-7-3__.

(a) As used in this section:

(1) "Active period or periods of a seasonal pursuit" means the longest regularly recurring period or periods of a calendar year within which production operations of a seasonal employer are customarily carried on;

(2) "Inactive period or periods of a seasonal pursuit" means that part of a calendar year which is not included in the active period or periods of a seasonal employer;

(3) "Interested party" means any individual affected by a seasonal determination;

(4) "Production operations" means all the activities of employment which are primarily related to the production of the employer's characteristic goods or services;

(5) "Reasonable assurance" means a written, oral or implied agreement that the employee will perform services in the same or similar capacity during the ensuing active period of a seasonal pursuit;

(6) "Seasonal employment" means services performed by an individual in the employ of a seasonal employer and only during such seasonal employer's active period or periods of a seasonal pursuit. No services performed by an individual in the employ of a seasonal employer may be considered seasonal employment if the individual performs any services in the employ of such employer during the inactive period of seasonal pursuit;

(7) "Seasonal wages" means the wages earned by a seasonal worker as an employee of a seasonal employer within the active period or periods of such employer. The department may prescribe by rule the manner in which seasonal wages shall be reported; and

(8) "Seasonal worker" means an individual in the employ of a seasonal employer only during the employer's active period of seasonal pursuit. An individual may not be considered a seasonal worker nor should wages be reported as seasonal wages if the individual performs any services in the employ of such employer within the inactive period of a seasonal pursuit.

(b) Effective with claims filed on or after January 1, 2013:

(1) A seasonal employer is one which, because of seasonal conditions making it impracticable or impossible to do otherwise, customarily carries on production operations only within a regularly recurring active period or periods of less than an aggregate of thirty-six (36) weeks in a calendar year. No employer shall be considered a seasonal employer until the department makes a determination that the employer is seasonal. However, any successor to a seasonal employer shall be deemed a seasonal employer unless the successor requests cancellation of the seasonal employer status within one hundred twenty days (120) after the acquisition. This subdivision (b)(1) shall not be applicable to pending cases or retroactive in effect.

(2) Upon application by an employer for seasonal employer status, the department shall determine or redetermine whether the employer is seasonal and, if seasonal, the employer's active period. The department is authorized to redetermine a seasonal employer's active period. An application for a seasonal determination must be made on forms prescribed by the department and must be made at least thirty days (30) prior to the beginning date of the period of production operations for which a determination is requested.

(3) Whenever the department has determined or redetermined an employer to be seasonal, the employer shall be notified immediately. The notice must contain the beginning and ending dates of the employer's active period or periods. Any employer determined or redetermined to be a seasonal employer shall display notices of its seasonal determination conspicuously on the employer's premises in a sufficient number of places to be available for inspection by the employer's workers. The notices may be furnished by the department.

(4) A determination or redetermination by the department that an employer is a seasonal employer shall become effective unless an interested party files an application for review within ten (10) days of the beginning date of the first period of production operations to which the determination or redetermination applies. An application for review shall be an application for a determination of status.

(5)(A) Benefits based on seasonal employment shall be payable to a seasonal worker in the employ of a seasonal employer for weeks of unemployment that occur during such employer's active period of seasonal pursuit.

(B) Benefits shall not be paid based on services performed in seasonal employment for any week of unemployment beginning after January 1, 2013, that begins during the period between two (2) successive normal active periods of seasonal pursuit to any seasonal worker if that seasonal worker performs the service in the first of the normal active periods and if there is a reasonable assurance that the seasonal worker will perform the service for a seasonal employer in the second of the active periods. If benefits are denied to a seasonal worker for any week solely as a result of this subsection and the seasonal worker is not offered an opportunity to perform in the second normal active period for which reasonable assurance of employment had been given, the seasonal worker is entitled to a retroactive payment of benefits under this subsection for each week that the seasonal worker previously filed a timely claim for benefits.

(6) The benefits payable to any otherwise eligible seasonal worker shall be calculated in accordance with this section for any benefit year which is established on or after the beginning date of a determination by the department that an employer is a seasonal employer if such seasonal worker was employed by the seasonal employer during the base period applicable to such benefit year, as if such determination had been effective in such base period.

(7) Nothing in this section shall be construed to limit the right of any individual whose claim for benefits is determined in accordance with this section to appeal from such determination as provided in § 50-7-304.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to claims filed on or after January 1, 2013.

On motion, Amendment No. 1 was adopted.

Senator McNally moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting Section 3 of the bill and substituting instead the following:

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

AND FURTHER AMEND by deleting the language "January 1, 2013" in subsection (b) and in subdivision (b)(5)(B) of Section 1 and substituting instead the language "July 1, 2016".

AND FURTHER AMEND by adding the following at the end of the amendatory language of Section 1:

(c) It is the intent of the general assembly that the department will begin preparation for implementation of this section by including in any request for proposal for new computer systems the ability to begin implementing this section by July 1, 2016.

On motion, Amendment No. 2 was adopted.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting subdivision (b)(3) in the amendatory language of Section 1 and by substituting instead the following:

(3)(A) Whenever the department has determined or redetermined an employer to be seasonal, the employer shall be notified immediately. The notice must contain the beginning and ending dates of the employer's active period or periods.

(B) Any employer determined or redetermined to be a seasonal employer shall display notices of its seasonal determination conspicuously on the employer's premises in a sufficient number of places to be available for inspection by the employer's workers. Any employer determined or redetermined to be a seasonal employer shall also notify the employer's workers in writing upon the initial seasonal determination and individually to any worker hired by the seasonal employer after such initial notification. Such notices shall contain the department's contact information for any inquiries by the workers. The notices may be furnished by the department.

Pursuant to Rule 39(3), Amendment No. 3 was adopted by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

Thereupon, **Senate Bill No. 3657**, as amended, passed its third and final consideration by the following vote:

Ayes 26
Noes 5

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Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Massey, McNally, Norris, Overbey, Roberts, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--26.

Senators voting no were: Berke, Finney, Herron, Marrero and Stewart--5.

A motion to reconsider was tabled.

Senate Bill No. 3658 -- Unemployment Compensation -- As introduced, enacts the "Unemployment Insurance Accountability Act of 2012". Amends TCA Title 50.

On motion, Senate Bill No. 3658 was made to conform with **House Bill No. 3431**.

On motion, House Bill No. 3431, on same subject, was substituted for Senate Bill No. 3658.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting subdivisions (11) and (12) in Section 6 of the bill and substituting instead the following:

(11) For any week with respect to which the claimant is receiving, or has received, remuneration in the form of wages in lieu of notice unless the claimant's employer has filed notice pursuant to § 50-1-602 as of the effective date of this act;

(12) If the claimant received a severance package from an employer that includes an equivalent amount of salary the employee would have received if the employee was working during that week unless the claimant's employer has filed notice pursuant to § 50-1-602 as of the effective date of this act;

Senator Johnson moved that **House Bill No. 3431** be moved five places down on Calendar No. 1 for today, which motion prevailed.

Senate Bill No. 3659 -- Unemployment Compensation -- As introduced, requires Department of Labor and Workforce Development to implement an Internet-based system that allows employers to receive notices electronically and to submit separation information electronically; requires more information be included on unemployment insurance tax statement at request of employer. Amends TCA Title 4, Chapter 3, Part 14 and Title 50, Chapter 7.

On motion, Senate Bill No. 3659 was made to conform with **House Bill No. 3429**.

On motion, House Bill No. 3429, on same subject, was substituted for Senate Bill No. 3659.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3429** passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 2206 -- Economic and Community Development -- As introduced, clarifies purposes of FastTrack programs; requires certain reports be submitted to secretary of state; revises other provisions governing "the Tennessee Job Growth Act of 2005". Amends TCA Section 4-3-715; Section 4-3-716 and Section 4-3-717.

On motion, Senate Bill No. 2206 was made to conform with **House Bill No. 2344**.

On motion, House Bill No. 2344, on same subject, was substituted for Senate Bill No. 2206.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

On motion of Senator Herron, Amendment No. 2 was withdrawn.

Senator Norris moved to amend as follows:

AMENDMENT NO. 3

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 4-3-717, is amended by adding the following as a new subsection thereto:

(g) Notwithstanding any other provision of law to the contrary, the department shall post the following information on its Web site at least quarterly:

- (1) The name of the company or entity receiving FastTrack funds;
- (2) The amount of the FastTrack funds received;
- (3) The number of jobs to be created by a project funded by FastTrack funds; and
- (4) The location of a project funded by FastTrack funds.

On motion, Amendment No. 3 was adopted.

Thereupon, **House Bill No. 2344**, as amended, passed its third and final consideration by the following vote:

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Ayes 29
Noes 1
Present, not voting . . . 1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

Senator voting no were: Campfield--1.

Senator present and not voting was: Summerville--1.

A motion to reconsider was tabled.

House Joint Resolution No. 734 -- General Assembly, Statement of Intent or Position -- Urges Tennessee Commission on Aging and Disability to coordinate a state communication plan to inform the public about the Tennessee Aging and Disability Center's toll free number for information on resources and assistance.

House Joint Resolution No. 734 was concurred in by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

House Joint Resolution No. 742 -- Memorials, Congress -- Requests the Tennessee Congressional delegation to take action against the closure of the Shallowford Road Mail Processing and Distribution Center in Chattanooga.

House Joint Resolution No. 742 was concurred in by the following vote:

Ayes 26
Noes 1
Present, not voting . . . 2

Senators voting aye were: Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Johnson, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--26.

Senator not voting was: Kelsey--1.

Senators present and not voting were: Henry and Summerville--2.

A motion to reconsider was tabled.

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House Joint Resolution No. 743 -- General Assembly, Statement of Intent or Position -- Urges U.S. Postal Service to rescind decision to close the Shallowford Road Mail Processing and Distribution Center in Chattanooga.

House Joint Resolution No. 743 was concurred in by the following vote:

Ayes	24
Noes	4

Senators voting aye were: Beavers, Berke, Burks, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Johnson, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Southerland, Stewart, Tate, Watson, Yager and Mr. Speaker Ramsey--24.

Senators voting no were: Campfield, Kelsey, Summerville and Tracy--4.

A motion to reconsider was tabled.

FURTHER ACTION ON HOUSE BILL NO. 3431

Senator Johnson moved that Amendment No. 2 be placed behind Amendment No. 3, which motion prevailed.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting subdivisions (11) and (12) in Section 6 of the bill and substituting instead the following:

(11) For any week with respect to which the claimant is receiving, or has received, renumeration in the form of wages in lieu of notice unless the claimant's employer has filed notice pursuant to § 50-1-602 as of July 1, 2012;

(12) If the claimant received a severance package from an employer that includes an equivalent amount of salary the employee would have received if the employee was working during that week unless the claimant's employer has filed notice pursuant to § 50-1-602 as of July 1, 2012;

Pursuant to Rule 39(3), Amendment No. 3 was adopted by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

On motion of Senator Johnson, Amendment No. 2 was withdrawn.

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Thereupon, **House Bill No. 3431**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

MOTION

Senator Johnson moved that **House Bill No. 3459** be recalled from the House, which motion prevailed.

CALENDAR NO. 1

Senator Watson moved that **Senate Bill No. 233** be placed on the Calendar for Friday, April 27, 2012, which motion prevailed.

FURTHER ACTION ON HOUSE BILL NO. 2566

Thereupon, **House Bill No. 2566** passed its third and final consideration by the following vote:

Ayes 21
Noes 10

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Haynes, Henry, Johnson, Ketron, Massey, McNally, Norris, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--21.

Senators voting no were: Barnes, Berke, Burks, Finney, Harper, Herron, Kelsey, Kyle, Marrero and Stewart--10.

A motion to reconsider was tabled.

Senator Norris moved that **Senate Bill No. 2245** be placed on the Calendar for Friday, April 27, 2012, which motion prevailed.

Senate Bill No. 2247 -- Tennessee Regulatory Authority -- As introduced, changes the membership of the authority to be five part-time directors instead of four full-time directors; sets the salaries of such directors; revises other provisions regarding the authority. Amends TCA Title 65.

Senator Bell moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting subsection (b) of § 65-1-101 in Section 1 and by substituting instead the following new language:

(b) Each director of the authority shall have at a minimum a bachelor's degree and at least three (3) years' experience in a regulated utility industry, in executive level management, or in one (1) or more of the following fields:

- (1) Economics;
- (2) Law;
- (3) Finance;
- (4) Accounting; or
- (5) Engineering.

AND FURTHER AMEND by deleting subsection (d) of § 65-1-101 in Section 1 and by substituting instead the following new language:

(d) The governor, the Speaker of the Senate, and the Speaker of the House of Representatives shall make appointments by April 1 prior to the expiration of the terms of office of the directors.

AND FURTHER AMEND by deleting subsection (a) of § 65-1-109 in Section 9 and by substituting instead the following new language:

(a) The executive director shall be appointed by joint agreement among the governor, the Speaker of the Senate and the Speaker of the House of Representatives for the initial term. Thereafter, the directors of the authority shall appoint the executive director. The term of the executive director shall be three (3) years. The executive director shall have at a minimum a bachelor's degree and either a minimum of five (5) years' experience in the regulated utility industry or a minimum of five (5) years' experience in executive-level management, with a preference toward experience in economics, law, finance, accounting or engineering. The executive director shall not be a director of the authority.

AND FURTHER AMEND by adding the following language as a new subsection at the end of § 65-1-109 in Section 9:

(d) The governor shall set the compensation of the executive director for the initial term of office of the executive director, which shall not exceed the compensation established for the commissioners of the claims commission. Thereafter, the directors of the authority shall set the compensation of the executive director.

AND FURTHER AMEND by deleting the effective date section and by substituting instead the following new language:

SECTION 11. For purpose of setting the compensation of existing directors who are serving unexpired terms, Section 7 shall take effect January 1, 2013, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting Sections 7 and 8 in their entirety and by substituting instead the following:

SECTION 7. Tennessee Code Annotated, Section 65-1-105, is amended by deleting the section in its entirety and by substituting instead the following:

(a) The compensation of each director of the Tennessee regulatory authority shall be thirty-six thousand dollars (\$36,000) per year payable monthly out of the state treasury on the warrant of the Commissioner of Finance and Administration. When directors are assigned to serve on a panel lasting more than one (1) day, the director shall be compensated one hundred forty dollars (\$140) for each day, or portion of a day, following the first day, for the duration of the matter. Such compensation shall be in addition to reimbursement for actual travel expenses on official business under subsection (b).

(b) The five (5) directors shall be reimbursed for their actual travel expenses on official business in accordance with the provisions of the comprehensive travel regulations as promulgated by the Department of Finance and Administration and approved by the attorney general and reporter.

On motion, Amendment No. 2 was adopted.

Senator McNally moved to amend as follows:

AMENDMENT NO. 3

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 65-1-111, is further amended by designating the language as subsection (a), and by adding the following language, to be designated as subsection (b):

(b) The Tennessee regulatory authority shall prepare an annual report comparing, for the preceding fiscal year, the rates of municipal utilities, cooperatives, and utility districts providing water, gas or electricity to the rates of water, gas and electric utilities regulated by the authority. No later than October 1, 2012, and prior to October 1 of each subsequent year, the report shall be submitted to the governor, the Speaker of the Senate, the Speaker of the House of Representatives, and the members of the Finance, Ways and Means Committees of the Senate and the House of Representatives.

On motion, Amendment No. 3 was adopted.

Senator Faulk moved that **Senate Bill No. 2247**, as amended, be placed first on the Calendar for Friday, April 27, 2012, which motion prevailed.

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Senator Haynes moved that **Senate Bill No. 2882** be placed on the Calendar for Friday, April 27, 2012, which motion prevailed.

Senator Berke moved that **Senate Bill No. 3142** be placed on the Calendar for Friday, April 27, 2012, which motion prevailed.

MOTION

Senator Southerland moved that Rule 83(8) be suspended for the purpose of placing **House Joint Resolution No. 807** on the calendar for the Committee on Energy and Environment for Friday, April 27, 2012, which motion prevailed.

MOTION

Senator Yager moved that Rule 83(8) be suspended for the purpose of placing **Senate Joint Resolution No. 904**; and **Senate Resolution No. 133** on the calendar for the Committee on State and Local Government for Friday, April 27, 2012, which motion prevailed.

MOTION

Senator Kyle moved that Rules 32 and 33 be suspended for the introduction of **Senate Joint Resolution No. 920**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 920 by Senator Kyle.
Memorials, Congress -- Urges Congress to keep student loan interest rates low.

MOTION

Senator Kyle moved that Rule 83(8) be suspended for the purpose of placing **Senate Joint Resolution No. 920** on the calendar for the Committee on Finance, Ways and Means for Thursday, April 26, 2012, which motion prevailed.

MOTION

Senator Norris moved that Rule 39 be suspended for the purpose of allowing amendments to the Appropriations Bill and budget related bills filed by 9:00 a.m., Friday, April 27, 2012, be considered timely filed, which motion prevailed.

MOTION

Senator Kyle moved that Rule 39 be suspended for the purpose of allowing amendments to any bills deferred from the Calendar Thursday, April 26, 2012, filed by 9:00 a.m., Friday, April 27, 2012, be considered timely filed, which motion prevailed.

RECALL OF BILL

On motion of Mr. Speaker Ramsey, **Senate Resolution No. 133** was recalled from the Committee on Calendar.

REFERRAL OF BILL

Mr. Speaker Ramsey moved that Senate Resolution No. 133 be referred to the Committee on State and Local Government, which motion prevailed.

MOTION

On motion of Senators Ford, Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Harper, Haynes, Herron, Johnson, Kyle, Marrero, Massey, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Bill No. 3094**.

On motion of Senators Bell and Tracy, their names were added as sponsors of **Senate Bill No. 3657**.

On motion of Senator Tracy, his name was added as sponsor of **Senate Bills Nos. 3658 and 3659; and Senate Joint Resolution No. 884**.

On motion of Senators Ford and Harper, their names were added as sponsors of **Senate Joint Resolution No. 725**.

On motion of Senators Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Haynes, Johnson, Kelsey, Kyle, Marrero, Massey, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 762**.

On motion of Senators Berke and Herron, their names were added as sponsors of **Senate Joint Resolution No. 887**.

On motion of Senator Massey, her name was added as sponsor of **Senate Joint Resolution No. 891**.

On motion of Senator Herron, his name was added as sponsor of **Senate Joint Resolutions Nos. 892 and 903**.

On motion of Senators Massey, Campfield, McNally, Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 897**.

On motion of Senators Henry and Marrero, their names were added as sponsors of **Senate Joint Resolution No. 898; and House Joint Resolution No. 1020**.

On motion of Senator Berke, his name was added as sponsor of **Senate Joint Resolution No. 901; and Senate Resolutions Nos. 130 and 131**.

On motion of Senator Marrero, her name was added as sponsor of **Senate Joint Resolution No. 908; and House Joint Resolution No. 1057**.

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On motion of Senators Berke, Herron and Marrero, their names were added as sponsors of **Senate Resolution No. 124.**

On motion of Senators Barnes, Marrero and Tracy, their names were added as sponsors of **Senate Resolution No. 125.**

On motion of Senator Harper, her name was added as sponsor of **Senate Resolution No. 133; and House Joint Resolution No. 990.**

On motion of Senators Beavers and Bell, their names were added as sponsors of **House Joint Resolution No. 667.**

On motion of Senators Harper, Finney, Herron, Marrero, Stewart, Crowe and Tracy, their names were added as sponsors of **House Joint Resolution No. 734.**

On motion of Senators Berke, Burks, Finney, Harper, Henry, Herron, Marrero and Roberts, their names were added as sponsors of **House Joint Resolution No. 844.**

On motion of Senators Berke, Finney, Harper, Henry, Herron and Marrero, their names were added as sponsors of **House Joint Resolution No. 890.**

On motion of Senators Burks, Henry and Overbey, their names were added as sponsors of **House Joint Resolution No. 933.**

On motion of Senators Burks and Overbey, their names were added as sponsors of **House Joint Resolution No. 936.**

On motion of Senator Overbey, his name was added as sponsor of **House Joint Resolution No. 988.**

On motion of Senators Berke, Henry, Herron and Overbey, their names were added as sponsors of **House Joint Resolution No. 1003.**

On motion of Senator Roberts, his name was added as sponsor of **House Joint Resolutions Nos. 994, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1015, 1016, 1037, 1038, 1039, 1046, 1047, 1048 and 1049.**

On motion of Senators Harper and Roberts, their names were added as sponsors of **House Joint Resolution No. 1010.**

On motion of Senator Beavers, her name was added as sponsor of **House Joint Resolutions Nos. 1022, 1023, 1024, 1025 and 1026.**

On motion of Senator Barnes, his name was added as sponsor of **House Joint Resolution No. 1042.**

On motion of Senators Beavers, Henry and Roberts, their names were added as sponsors of **House Joint Resolution No. 1053.**

On motion of Senator Gresham, her name was added as sponsor of **House Joint Resolutions Nos. 1056 and 1064.**

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On motion of Senators Berke, Henry, Herron, Marrero, Massey and Overbey, their names were added as sponsors of **House Joint Resolution No. 1060**.

On motion, all Senators' names were added as sponsors of **Senate Joint Resolution No. 885; and House Joint Resolution No. 993**.

ENGROSSED BILLS

April 26, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bills Nos. 1935, 3106, 3264, 3330 and 3350; and Senate Joint Resolutions Nos. 762, 892, 905 and 919; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk.

ENGROSSED BILLS

April 26, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bills Nos. 3092 and 3207, and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk.

ENGROSSED BILLS

April 26, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bill No. 3657, and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk.

ENGROSSED BILLS

April 26, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 870, 871, 873, 874, 875, 876, 877, 879, 880, 881, 882, 883, 884, 885, 887, 888, 889, 890, 891, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 906, 908 and 909; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk.

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MESSAGE FROM THE HOUSE

April 26, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3459, passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 26, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 3659 and 3874, passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 26, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 3835, 3836, 3837 and 3839; passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 26, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 816, adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 26, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1061, 1111, 1112, 1113, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139 and 1140; adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 26, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090 and 1091; adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 26, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1092, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107 and 1108; adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 26, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 948, 1180, 2225, 2604, 2693, 2701, 2890, 2957, 2958, 3187, 3341, 3553, 3567, 3649 and 3808; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 26, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2208, 2866 and 2967; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 26, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3061, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,
Chief Clerk.

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MESSAGE FROM THE HOUSE

April 26, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 552, concurred in by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 26, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 762, 892, 905, 907, 914 and 919; concurred in by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 26, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 870, 871, 873, 874, 875, 876, 877, 879, 880, 881, 882, 883, 884, 885, 887, 888, 889, 890, 891, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 906, 908 and 909; concurred in by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 26, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 911, concurred in by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 26, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 710. Senate Joint Resolution No. 710 was read three separate times on three separate days and concurred in by a majority vote of the House of Representatives of the One Hundred Seventh General Assembly of the State of Tennessee, pursuant to Article XI, Section 3 of the Constitution of Tennessee.

JOE MCCORD,
Chief Clerk.

ENROLLED BILLS

April 26, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 2156, 2407, 2416, 2617, 2776, 3061, 3655 and 3700; Senate Joint Resolution No. 911; and Senate Resolutions Nos. 125, 128, 129 and 132; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk.

ENROLLED BILLS

April 26, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 777, 781, 782, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869 and 886; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MESSAGE FROM THE HOUSE

April 26, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2286, for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 26, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3175, for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

SIGNED

April 26, 2012

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 777, 781, 782, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823,

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824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869 and 886.

SIGNED

April 26, 2012

The Speaker announced that he had signed the following: Senate Joint Resolution No. 911; and Senate Resolutions Nos. 125, 128, 129 and 132.

SIGNED

April 26, 2012

The Speaker announced that he had signed the following: House Bill No. 2286.

SIGNED

April 26, 2012

The Speaker announced that he had signed the following: House Bill No. 3175.

MESSAGE FROM THE HOUSE

April 26, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 777, 781, 782, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869 and 886; signed by the Speaker.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 26, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 911, signed by the Speaker.

JOE MCCORD,
Chief Clerk.

ADJOURNMENT

Senator Norris moved the Senate adjourn until 10:00 a.m., Friday, April 27, 2012, which motion prevailed.